

LAWS=NEW JERSEY
1973

ACTS
OF THE
Second Annual Session
OF THE
One Hundred and Ninety-fifth Legislature
OF THE
STATE OF NEW JERSEY
AND
Twenty-fourth Under the New Constitution



New Jersey State Library

1973

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

ROBERT M. FALCEY,
Acting Secretary of State.

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One Hundred and Ninety-fifth Legislature

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¹Resigned December 14, 1972.

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L A W S

ACTS
PASSED BY THE
Second Annual Session
OF THE
One Hundred and Ninety-fifth Legislature

CHAPTER 1

A SUPPLEMENT to “An act concerning certificates of insurance, amending R. S. 39:3-29 and supplementing chapter 3 of Title 39 of the Revised Statutes,” P. L. 1972, c. 200, approved December 26, 1972.

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

1. Notwithstanding any provision of R. S. 39:3-29, as amended by P. L. 1972, c. 200, to the contrary, no driver or operator of a motor vehicle shall be required to have an insurance identification card in his possession prior to March 1, 1973. Nothing contained herein shall relieve the owners and operators of motor vehicles of their obligation to maintain the requisite compulsory insurance coverage after January 1, 1973 as mandated by P. L. 1972, c. 197 (C. 39:6B-1 et seq.).

2. Any summons issued or conviction imposed heretofore for failure of a driver or operator of a motor vehicle to have an insurance identification card in his possession shall be null and void; all fines heretofore imposed for such failure shall be refunded; and all court records and Division of Motor Vehicle records pertaining to such summons or conviction shall be expunged.

3. This act shall take effect immediately.

Approved January 10, 1973.

CHAPTER 2

AN ACT to provide for a New Jersey 1973 Presidential Inauguration Committee and making an appropriation therefor.

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

1. There is hereby established a New Jersey 1973 Presidential Inauguration Committee to consist of the Republican State Committee Chairman, the Democratic State Committee Chairman and one additional member to be appointed jointly by the other two members of the committee. This committee shall make the necessary and appropriate arrangements for the representation of New Jersey at the inauguration of President Richard M. Nixon in 1973.

2. There is hereby appropriated to this committee the sum of \$10,000.00 to implement the purposes of this act.

3. This act shall take effect immediately.

Approved January 11, 1973.

CHAPTER 3

AN ACT concerning education, and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

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

C. 18A:46-7.1 Annual distribution of certain materials.

1. In every school district having children who have been classified as handicapped pursuant to the provisions of chapter 46 (Classes and Facilities for Handicapped Children) of Title 18A of the New Jersey Statutes, the board of education of the district shall, annually, cause copies of said chapter 46, as amended and supplemented, together with all current rules and regulations of the commissioner relating thereto, to be prepared for distribution to parents of children classified as handicapped or the persons having control or custody of such children who request copies thereof.

Persons requesting copies shall be required to pay a reasonable fee as fixed by the board, to cover the cost of preparing the copies.

2. This act shall take effect immediately but shall remain inoperative until July 1 following its enactment.

Approved January 16, 1973.

CHAPTER 4

AN ACT concerning educational facilities and programs for handicapped children and amending N. J. S. 18A:46-14.

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

1. N. J. S. 18A:46-14 is amended to read as follows:

Enumeration of facilities and programs.

18A:46-14. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

- a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;
- b. A special class in the public schools of another district in this State or an adjoining or nearby state;
- c. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;
- d. A jointure commission program;
- e. A State of New Jersey operated program;
- f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;
- g. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or an adjoining state or a nearby state and within 400 miles of Trenton or, with the approval of the commissioner to meet particular circumstances, at a greater distance from Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a., b., c., d., e., or f. otherwise;
- h. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections a., b., c., d., e., f., or g. otherwise.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or an adjoining or nearby state and is enrolled in an education program approved under this article, the board of education of the district in which the child is domiciled shall pay the tuition of said child in the special education program.

The board of education may also furnish: (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other state in the United States, (b) suitable approved facilities and programs for children under the age of 5.

2. This act shall take effect immediately.

Approved January 16, 1973.

CHAPTER 5

AN ACT to amend the "Motor Vehicle Security-Responsibility Law," approved May 10, 1952 (P. L. 1952, c. 173).

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

1. Section 13 of P. L. 1952, c. 173 (C. 39:6-35) is amended to read as follows:

C. 39:6-35 Failure to satisfy judgment; discharge in bankruptcy.

13. If a person fails to pay and satisfy every judgment rendered against him for damages because of personal injury or death, or damage to property in excess of \$100.00, resulting from the ownership, maintenance, use or operation of a motor vehicle and every judgment based on an agreement or contract made in settlement of damages arising out of a motor vehicle accident, within 60 days after its entry, or if an appeal is taken therefrom within that time, within 60 days after the judgment as entered or modified becomes final, the operator's license and all registration certificates of any such person, other than a chauffeur or operator employed by the owner of a motor vehicle and so acting at the time of the damage, injuries or death resulting in the judgment, shall, upon receiving a certified copy of a transcript of the final judgment from the court in which it was rendered showing it to have been still unsatisfied

more than 60 days after it became final, be forthwith suspended by the director.

If the director is satisfied that a judgment debtor or his insurance carrier was, within the said 60-day period, ready, willing and able to pay the said judgment but was prevented from so doing by reason of the refusal or legal inability of the judgment creditor to accept payment, or that the failure to pay said judgment within the said 60-day period was due to the act or neglect of the judgment debtor's insurance carrier and not to any fault of the judgment debtor then the director may, in his discretion, extend the 60-day limitation herein prescribed for any reasonable time necessary to complete the formality of payment of the judgment and shall not suspend the judgment debtor's driver's license, operating privilege or certificate of registration.

The judgment herein mentioned shall be a judgment of a court of competent jurisdiction of this State or any other state or of a District Court of the United States.

The license and registration certificates shall remain so suspended and shall not be renewed, nor shall a motor vehicle be thereafter registered in the name of that person while the judgment remains unstayed, unsatisfied, subsisting and until every such judgment is satisfied or discharged, and until he gives proof of his ability to respond in damages, as required in this act, for future accidents, except that in event that the judgment debtor shall be relieved of liability for payment of said judgment by an adjudication of the court in which the same was entered, or if the right to enforce said judgment by docketing and revival, or by revival, or by bringing an action thereon, shall have expired without such revival or the bringing of any such action thereon, the judgment debtor's license shall be restored to him, and one or more motor vehicles may be registered in his name, upon application to the Division of Motor Vehicles and upon his giving proof of ability to respond in damages, as required in this act, for future accidents.

A discharge in bankruptcy shall relieve the judgment debtor from any of the requirements of this act, provided that the underlying judgment was not based on a willful or malicious tort.

The clerk of the court in which the judgment is rendered, or the court where it has no clerk, shall forward to the director, at the request of the judgment creditor or his attorney, after the expiration of the 60 days a certified copy of the judgment or a transcript thereof, as aforesaid.

Upon the filing with the court of proof of satisfaction or discharge of a judgment, the nonpayment of which has been previously certified to the director, the clerk of the court, or the court where it has no clerk shall immediately forward notice of such satisfaction or discharge to the director.

If the defendant is a nonresident the director shall transmit to the officer in charge of the issuance of driver licenses and registration certificates of the State of which the defendant is a resident a certified copy of the judgment.

If after proof is given, another such judgment is recovered against that person for an accident occurring before the proof was given, the license and certificate shall again be and remain suspended, and no other license or certificate shall be issued to him while the judgment so remains unsatisfied and subsisting.

2. This act shall take effect immediately.

Approved January 16, 1973.

CHAPTER 6

AN ACT to authorize the issuance of permits by the Director of Motor Vehicles under which certain unregistered vehicles may be allowed to cross public highways, supplementing Title 39 of the Revised Statutes.

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

C. 39:3-26.1 Highway crossing permit for certain vehicles.

1. Any self-propelled vehicle or vehicles which are used or intended to be used solely upon the private property of one person, and which would otherwise be required to be registered under this title in order to operate upon a public highway, may be allowed, subject to the provisions of this act, to cross a public highway for the purpose of gaining access from one portion of such private property to another, without the necessity of complying with the registration requirements of this title, upon issuance of a crossing permit by the director and subject to compliance with the terms and conditions of such permit.

C. 39:3-26.2 Specifications of permit.

2. a. A property owner wishing a crossing permit under the terms of this act shall make application to the director, setting forth the number and types of vehicles which may cross the public highway, the anticipated frequency of crossings, and the proposed location or locations of such crossings, and shall supply such further information as the director may deem necessary, in such form and detail as the director shall require.

b. After receipt of the application and of the required fee, and having determined to his satisfaction that the proposed crossings may be permitted without danger of damage to the highway or hazard to the public traveling along such highway, the director shall issue a crossing permit, which shall specify:

(1) the vehicle or vehicles, or type or types of vehicles permitted to cross;

(2) the location or locations of the crossing or crossings permitted, provided that the width of any such crossing zone be no greater than 150 feet;

(3) any warning signs or other safety devices or precautions, and their location with respect to the location of the crossing or crossings, which are to be erected and maintained by the holder of the permit at his expense, and which are deemed necessary for safety;

(4) any safety devices or other equipment, including lights to be installed and used upon vehicles making the crossing;

(5) any restrictions upon the time of day at which such crossings may be made; and

(6) any other terms and conditions which the director deems necessary in order to secure the safety of the public or to protect the highway from damage.

C. 39:3-26.3 Revocation of permit.

3. In addition to subjecting the holder of a crossing permit to the penalty provided for operation of an unregistered vehicle upon a highway, the director shall revoke the crossing permit of any person who operates or permits the operation of an unregistered vehicle upon a highway other than as authorized by the crossing permit. No person shall operate such vehicle upon a highway as

authorized by the crossing permit unless he shall possess a valid New Jersey driver's license for the class of vehicle being operated.

C. 39:3-26.4 Fees.

4. a. Each applicant for a crossing permit under this act shall accompany his application with a fee based on the gross weight of vehicle and load for each vehicle which he proposes to operate under the permit, in accordance with the following schedule:

4,000 pounds or less	\$5.00
4,001 to 8,000 pounds	8.00
8,001 to 12,000 pounds	12.00
12,001 to 16,000 pounds	16.00
16,001 to 20,000 pounds	20.00
20,001 pounds or more	25.00

In the event that the permit is denied or the number of permitted vehicles is reduced by the director, the fee or the amount thereof which is in excess of the amount indicated by the number of vehicles permitted shall be refunded.

b. A permit under this act shall be in effect for 1 year from the date of issuance and shall be renewable annually upon payment of the fee prescribed in subsection a. of this section. The director may refuse to renew or modify the terms of the permit upon renewal if he finds that the safety of the public or the proper maintenance of the highway so requires.

C. 39:3-26.5 Application of provisions of Motor Vehicle Security-Responsibility Law.

5. In the event of death, bodily injury or property damage arising in connection with the operation of any vehicle while on a public highway and with respect to which a crossing permit under this act has been issued, the operator, permit holder and owner of the vehicle (if he be other than the permit holder) shall be subject to the provisions of the "Motor Vehicle Security-Responsibility Law" (L. 1952, c. 173, C. 39:6-23 et seq.). Any circumstances which would authorize or require the director to suspend the registration of a registered vehicle pursuant to said law shall also be deemed to authorize or require the revocation of a permit issued pursuant to this act; and in such case the permit shall be revoked in its entirety and not with respect only to a particular vehicle or vehicles.

6. This act shall take effect immediately.

Approved January 16, 1973.

CHAPTER 7

AN ACT concerning the advisory council on education of handicapped children and amending N. J. S. 18A:46-2.

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

1. N. J. S. 18A:46-2 is amended to read as follows:

Special educational services; appointment of professional personnel; advisory council; membership; compensation.

18A:46-2. The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this State.

In order to carry out the provisions of this chapter, he shall appoint to his staff persons qualified to administer educational services in the general field of education for handicapped children including each of the following disability groups: (1) mentally retarded, (2) orthopedically handicapped, (3) communication handicapped, (4) visually handicapped, (5) neurologically or perceptually impaired, (6) chronically ill, (7) emotionally disturbed, (8) socially maladjusted, (9) and the auditorily handicapped, and a consultant experienced in child psychiatry, and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as he shall deem necessary and he shall fix their compensation with the approval of the State board.

The commissioner shall appoint biannually an advisory council with the approval of the State board which will consist of not less than seven nor more than 15 members representative of public and private professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations and the implementation of this chapter and the establishment of standards and qualifications for the professional personnel. The council shall serve without remuneration.

2. This act shall take effect immediately.

Approved January 24, 1973.

CHAPTER 8

AN ACT concerning the fund for the retirement upon pension of certain employees of the boards of education in school districts in first-class counties, providing for a referendum on the question of Social Security coverage and upon the termination of such fund for the repeal of article 2 of chapter 66 of Title 18A of the New Jersey Statutes.

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

C. 18A:66-126.9 Definitions.

1. As used in this act:

a. "Pension fund" means the fund operating under the provisions of article 2 of chapter 66 of Title 18A of the New Jersey Statutes, as such fund applies to certain employees of the boards of education in school districts in counties of the first class.

b. "Retirement system" means the Public Employees' Retirement System of New Jersey as established under the provisions of P. L. 1954, c. 84.

C. 18A:66-126.10 Duties of State Treasurer.

2. a. The State Treasurer, as the State Agency for Social Security, is directed to conduct a referendum on the question of whether the service performed by members of the pension fund established under article 2 of chapter 66 of Title 18A of the New Jersey Statutes should be excluded from or included under the State's agreement with the Federal Government.

b. The State Treasurer is further directed to secure Social Security coverage for the members of the pension fund within 60 days after a majority of such members qualified to vote in a referendum as required by section 218 (d) (3) of the Social Security Act shall have voted to be covered under terms of that act.

The State Treasurer is also directed to obtain Social Security coverage for such members on a prospective basis only.

C. 18A:66-126.11 Applicability of certain provisions to members of pension fund.

3. If Social Security coverage is extended to members of the pension fund, the provisions of P. L. 1956, c. 169 shall apply to

such members of said pension fund subject to the following provisos:

a. Any member of the pension fund who was a member on or before June 26, 1962 and who has or shall hereafter have credit in the pension fund and the retirement system for 30 years or more as an employee of a board of education, shall, upon application to the board of trustees of the retirement system, be retired by such board of trustees and shall thereupon receive annually, for and during the remainder of his life, by way of a retirement allowance, an amount equal to $\frac{1}{60}$ of the average annual salary received by him during the 3 years immediately preceding his retirement multiplied by the number of years he has credit in the pension fund and the retirement system as an employee of a board of education.

Any such retirement allowance payable under this subsection shall be in lieu of the retirement benefits which would accrue to the said employee under the retirement system or any retirement system established by the State or any of its political subdivisions.

b. The transfer of prior service, contributing membership credit, and the moneys attributable to the accounts of public employee veteran members of the pension fund to the retirement system shall not alter the service credit previously established.

c. All pensions granted by the pension fund shall be payable by the retirement system in equal monthly installments.

d. All purchases of service credit contracted with the pension fund shall be continued without alteration in terms of credit to be established, the cost and the amount of the additional payroll deductions prescribed for such purchase.

e. All reserves and moneys held by the insurance carrier under contracts provided by employer and employee contributions to the county superintendent of schools, the policyholder, shall be transferred and merged with those maintained for all members of the retirement system.

f. If a transferring member was not covered by either or both noncontributory and contributory death benefit coverages, he may be allowed the death benefits of the retirement system, provided, however, that such member must furnish satisfactory evidence of insurability and on the effective date of his membership in the

retirement system is actively at work and performing all his regular duties at his customary place of employment. The effective date of coverage for such benefits shall be on the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

Such evidence of insurability will not be required of any transferring member if such member was covered by such benefits immediately prior to the transfer.

C. 18A:66-126.12 Effect of termination of pension fund.

4. The termination of the pension fund pursuant to the provisions of P. L. 1956, c. 169 shall result in the repeal of article 2 of chapter 66 of Title 18A of the New Jersey Statutes and all acts amendatory and supplementary thereto.

5. This act shall take effect immediately.

Approved January 24, 1973.

CHAPTER 9

AN ACT to repeal "An act concerning county mosquito extermination commissions in certain counties, and supplementing chapter 9 of Title 26 of the Revised Statutes," approved September 10, 1948 (P. L. 1948, c. 387).

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

Repealer.

1. "An act concerning county mosquito extermination commissioners in certain counties, and supplementing chapter 9 of Title 26 of the Revised Statutes," approved September 10, 1948 (P. L. 1948, c. 387 (C. 26:9-13.2)) is repealed.

2. This act shall take effect immediately.

Approved January 24, 1973.

CHAPTER 10

A SUPPLEMENT to "An act relating to the powers and duties of the Director of the Division of Taxation in the Department of the Treasury with respect to State aid for schools, and making an appropriation therefor, approved June 30, 1954 (P. L. 1954, c. 86).

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

C. 54:1-35.6 Real estate sales ratio records deemed to be public records.

1. Real estate sales ratio records (Form SR 1-A) of the Local Property Tax Bureau, Division of Taxation, Department of the Treasury, in the possession of the boards of taxation of each county, and containing information relating to the sale of real property and the address or block and lot designation of such real property as reported by the register of deeds and mortgages or county clerk of the county in which such real property is situate are deemed to be public records for the purposes of P. L. 1963, c. 73 (C. 47:1A-1 et seq.).

2. This act shall take effect immediately.

Approved January 25, 1973.

CHAPTER 11

AN ACT concerning motor vehicles and amending R. S. 39:3-84.

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

1. R. S. 39:3-84 is amended to read as follows:

Dimentional restrictions; outside width; height; over-all length; weight.

39:3-84. No commercial motor vehicle, tractor, trailer or semi-trailer shall be operated on any highway in this State the outside width of which is more than 96 inches, inclusive of load, or the height of which exceeds 13½ feet, inclusive of load, and no commercial motor vehicle, tractor or trailer shall be operated on any highway in this State the extreme overall length of which exceeds 35 feet either for a 2-axle 4-wheeled vehicle, inclusive of load, or

35 feet either for a 3-axle 6-wheeled vehicle, inclusive of load, except that a vehicle or vehicle inclusive of load exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. The application for such permit shall be accompanied by a fee fixed by the director. A special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, or vehicle and load, for the purposes of this section, there shall not be included in the dimensional limitations safety appliances such as mirrors or lights, or chains or similar fasteners used for the securing of cargo, provided such appliances or fasteners do not exceed the over-all limitations established by the director by rule or regulation.

In the case of an omnibus the maximum width and length dimensions shall be such as the Board of Public Utility Commissioners prescribe, but no outside width in excess of 96 inches shall be prescribed with respect to one or more highways specified or otherwise described except upon certifications, (1) of the Division of Motor Vehicles in the Department of Law and Public Safety that the proposed width is not unsafe for use on the highways in this State and (2) of the State Highway Department that the proposed width, if in excess of 96 inches, is not in conflict with the requirements of any agency of the United States having jurisdiction over the National System of Interstate and Defense Highways authorized by law. No outside width so prescribed shall be valid if the allowance of use of the same would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving Federal highway funds.

In the case of farm tractors and traction equipment and farm machinery and implements, the maximum width and length shall be such as the Director of the Division of Motor Vehicles shall prescribe by uniform rules and regulations but the operation of such vehicles shall be subject to the provisions of section 39:3-24 of this Title and any such vehicle shall not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law.

In the case of commercial motor vehicles, trailers and semi-trailers including farm trucks, while loaded with hay or straw the maximum width of the load shall not exceed 105½ inches.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be

operated on any highway in this State, in excess of a total over-all length, inclusive of load, of 55 feet except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total overall length of which, inclusive of load, shall not exceed 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor to any combination of vehicles, operated by a public utility as defined in R. S. 48:2-13 which vehicle or combination of vehicles is used by such public utility in the construction, reconstruction, repair or maintenance of its property or facilities.

Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which exceeds the 55 feet overall length, provided, however, the total load overhang shall be limited to 5 feet and may not exceed 3 feet at either the front or rear and that the overhang shall be above the height of the average passenger car.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 22,400 pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than 40 inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced 40 inches, but less than 96 inches apart, extending across the full width of the vehicle, shall not exceed 32,000 pounds.

In addition to the other requirements of this section and notwithstanding any other provision of this Title, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State with a combined weight of vehicle and load, an axle weight or a vehicle dimension the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving Federal highway funds.

2. This act shall take effect immediately.

Approved January 25, 1973.

CHAPTER 12

AN ACT to amend "An act concerning fees for licensing of various establishments subject to chapter 15 of Title 24 of the Revised Statutes and supplementing chapter 15 of Title 24 of the Revised Statutes," approved May 20, 1971 (P. L. 1971, c. 158).

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

1. Section 1 of P. L. 1971, c. 158 (C. 24:15-13) is amended to read as follows:

C. 24:15-13 License required; exception.

1. Every establishment falling within the scope of this chapter shall be licensed by the Commissioner of Health with a fee to be charged therefor, except that a license pursuant to this chapter need not be secured by any such establishment, the activities of which are subject to licensure pursuant to any other provision of this Title or to inspection and licensure by a local department of health, or the facilities and warehouses or growers and associations or organizations of growers of raw agricultural commodities and all raw agricultural commodity farm area sales and shipping points where such raw agricultural commodities are not subjected to processing other than washing, cleaning, cooling, waxing, grading, sizing and packaging.

2. This act shall take effect immediately.

Approved January 25, 1973.

CHAPTER 13

AN ACT concerning penalties and amending R. S. 39:3-39.

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

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

Loaning license or allowing unlicensed driver to operate vehicle or exhibiting driver's license of another prohibited; penalties.

39:3-39. a. No person shall loan an operator's license issued to him for use by another person, under penalty of a fine of not less than \$25.00 nor more than \$100.00.

b. No person owning or having control or custody of a motor vehicle registered as provided in this subtitle shall allow the vehicle to be operated by a nonlicensed driver, under penalty of a fine of not more than \$100.00.

c. Any person operating a motor vehicle who exhibits the driver's license of another whether he be licensed or not as provided in section 39:3-10 of this Title shall be subject to a fine of not less than \$200.00 or imprisonment for not more than 60 days or both, at the discretion of the court.

d. Any person exhibiting the driver's license of another for purposes of identification in all situations other than those described in subsection c. of this section, shall be subject to a fine of not less than \$25.00 nor more than \$100.00, at the discretion of the court.

2. This act shall take effect immediately.

Approved January 31, 1973.

CHAPTER 14

AN ACT concerning alcoholic beverages and amending R. S. 33:1-25
and R. S. 33:1-26.

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

1. R. S. 33:1-25 is amended to read as follows:

Qualifications of licensees; corporations; partnerships and clubs; application; deposit of fee; notice of application; false statements.

33:1-25. No license of any class shall be issued to any person under the age of 21 years or to any person who has been convicted of a crime involving moral turpitude.

In applications by corporations, except for club licenses, the names and addresses of, and the amount of stock held by, all stockholders holding 1% or more of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application, and if one or more of such officers or members of the board of directors or one or more of the owners, directly or indirectly, of more than 10% of such stock would fail to qualify as an individual applicant in all respects, no license of any class shall be granted.

In applications for club licenses, the names and addresses of all officers, trustees, directors, or other governing official, together with the names and addresses of all members of the corporation, association or organization must be stated in the application.

In applications by partnerships, the application shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants.

A photostatic copy of all Federal permits necessary to the lawful conduct of the business for which a State license is sought and which relate to alcoholic beverages, or other evidence in lieu thereof satisfactory to the director, must accompany the license application, together with a deposit of the full amount of the required license fee, which deposit to the extent of 90% thereof shall be returned to the applicant by the director or other issuing authority if the application is denied, and the remaining 10% shall constitute an investigation fee and be accounted for as other license fees.

Every applicant for a license shall cause a notice of the making of such application to be published in a form prescribed by rules and regulations, once a week for 2 weeks successively in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located; but if there shall be no such newspaper, then such notice shall be published in a newspaper, printed in the English language, published and circulated in the county in which the licensed premises are located. No publication shall be required with respect to applications for transportation or public warehouse licenses.

Every person filing an application for license, renewal of license or transfer of license with a municipal issuing authority shall, within 10 days of such filing, file with the director a copy of such application together with a nonreturnable filing fee of \$25.00.

Applicants for licenses shall answer such questions as may be asked and make such declarations as shall be required by the form of application for license as may be promulgated by the director from time to time. All applications shall be duly sworn to by each of the applicants, except in the case of applicants in the military service of the United States whose applications may be signed in their behalf by an attorney-in-fact holding a power of attorney in form approved by the director, and except in cases of applications by corporations which shall be duly sworn to by the president or

vice-president. All statements in said applications required to be made by law or by rules and regulations shall be deemed material, and any person who shall knowingly misstate any material fact, under oath, in said application shall be guilty of a misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for suspension or revocation of the license.

2. R. S. 33:1-26 is amended to read as follows:

Term of license; prorated fee; separate licenses; license restrictions; extension of license; procedure on transfer of license; employment regulations.

33:1-26. All licenses shall be for a term of 1 year from July 1 in each year. The respective fees for any such license shall be prorated according to the effective date of such license and based on the respective annual fee as in this chapter provided. Where the license fee deposited with the application exceeds such prorated fee, a refund of the excess shall be made to the licensee. Licenses are not transferable except as hereinafter provided. A separate license is required for each specific place of business and the operation and effect of every license is confined to the licensed premises. No retail license of any class shall be issued to any holder of manufacturer's or wholesaler's license, and no manufacturer's or wholesaler's license shall be issued to the holder of a retail license of any class. Any person who shall exercise or attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of a license except the licensee and then only with respect to the licensed premises, shall be guilty of a misdemeanor.

In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the director or the issuing authority may, in his or its discretion, extend said license for a limited time, not exceeding its term, to the executor, administrator, trustee, receiver or other person upon whom the same has devolved by operation of law as aforesaid. Under no circumstances, however, shall a license, or rights thereunder, be deemed property, subject to inheritance, sale, pledge, lien, levy, attachment, execution, seizure for debts, or any other transfer or disposition whatsoever, except to the extent expressly provided by this chapter.

On application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises, and after

publication of notice of intention to apply for transfer, in the same manner as is required in case of an application for license as to said premises, the director or other issuing authority may transfer, upon payment of a fee of 10% of the annual license fee for the license sought to be transferred, any license issued by him or it respectively to a different place of business than that specified therein, by endorsing permission upon such license.

On application made therefor setting forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license, which application for transfer shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee to such transfer, and after publication of notice of intention by the person to whom the transfer of license is sought, to apply for transfer in the same manner as is required in the case of an original application for license, the director or other issuing authority, as the case may be, may transfer any license issued by him or it respectively to such applicant for transfer by endorsing the license. Such application and the applicant shall comply with all requirements of this chapter pertaining to an original application for license and shall be accompanied, in lieu of the license fee required on the original application, by a fee of 10% of the annual license fee for the license sought to be transferred, which 10% shall be retained by the director or other issuing authority, as the case may be, whether the transfer be granted or not, and accounted for as other license fees.

If the other issuing authority shall refuse to grant a transfer the applicant shall be notified forthwith of such refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application, and such applicant may, within 30 days after the date of service or mailing of such notice, appeal to the director from the action of the issuing authority. If the other issuing authority shall grant a transfer any taxpayer or other aggrieved person opposing the grant of the transfer may, within 30 days after the grant of such transfer, appeal to the director from the action of the issuing authority.

No person who would fail to qualify as a licensee under this chapter shall be knowingly employed by or connected in any business capacity whatsoever with a licensee. Persons failing to qualify as to age may, with the approval of the director, and subject

to the rules and regulations, be employed by any licensee, but such employee shall not, in any manner whatsoever serve, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage; and further provided, that no permit shall be necessary for the employment in a bona fide hotel or restaurant of any person failing to qualify as to age so long as such person shall not in any manner whatsoever serve, sell or solicit the sale of any alcoholic beverage, or participate in the mixing, processing or preparation thereof.

3. This act shall take effect immediately.

Approved January 31, 1973.

CHAPTER 15

AN ACT providing that the State of New Jersey may enter into a compact with any of the states of the United States whereby prisoners from compact states may be transferred between such states and confined in facilities outside the state of conviction on a reciprocal basis.

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

C. 30:7C-1 Short title.

1. Title. This chapter may be cited as the Interstate Corrections Compact.

2. Interstate Corrections Compact. The Interstate Corrections Compact is hereby enacted into law and entered into by this State with any other states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

C. 30:7C-2 Declaration of policy.

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party

states to provide such facilities and programs on a basis of cooperation with one another, and with the Federal Government, thereby serving the best interest of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II

C. 30:7C-3 Definitions.

As used in this compact, unless the context clearly requires otherwise:

a. "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

b. "Sending state" means a state party to this compact in which conviction or court commitment was had.

c. "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

d. "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

e. "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in d. above may lawfully be confined.

ARTICLE III

C. 30:7C-4 Authority to make contracts; contents of contracts.

a. Each party state may make one or more contracts with any one or more of the other party states, or with the Federal Government, for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(1) Its duration.

(2) Payments to be made to the receiving state or to the Federal Government, by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facili-

ties, programs or treatment not reasonably included as part of normal maintenance.

(3) Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

(4) Delivery and retaking of inmates.

(5) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

C. 30:7C-5 Receiving state to act as agent for sending state; access to institutions; jurisdiction of sending state; reports; treatment of inmates; hearings; release of inmates; benefits; entitlement of certain persons to act for inmates.

a. Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

b. The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

c. Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant

to the terms of any contract entered into under the terms of Article III.

d. Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

e. All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

f. Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

g. Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

h. Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

i. The parents, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

C. 30:7C-6 Jurisdiction of sending state with respect to inmates.

a. Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

b. An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

C. 30:7C-7 Authority to accept Federal aid.

Any state party to this compact may accept Federal aid for use in connection with any institution or program, the use of which is

or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such Federally-aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

C. 30:7C-8 Entry into force of compact.

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII

C. 30:7C-9 Continuance in force of compact.

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until 1 year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

C. 30:7C-10 Construction of compact.

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X

C. 30:7C-11 Severability of compact.

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

C. 30:7C-12 Powers.

3. Powers. The commissioner of the Department of Institutions and Agencies is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular and he may in his discretion delegate this authority to some other appropriate official.

4. This act shall take effect 90 days after enactment and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved January 31, 1973.

CHAPTER 16

AN ACT concerning the transfer of prisoners to places of confinement outside the territorial confines of this State and amending N. J. S. 2A:67-6.

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

1. N. J. S. 2A:67-6 is amended to read as follows:

Sending citizen as prisoner out of State for offense committed within State; action for damages; punishment; disqualification; exceptions.

2A:67-6. For preventing illegal imprisonment of citizens of this State in prisons out of this State, no citizen of this State who is an inhabitant or resident thereof, shall be sent as a prisoner to

any place whatsoever out of this State, for any crime or offense committed within this State, and every such imprisonment is hereby declared to be illegal unless such transfer of such person to a place of confinement outside the State is accomplished pursuant to the provisions of any interstate compact approved by the Legislature for such purpose and to which the State is signatory.

If any such citizen shall be so imprisoned, except as provided for herein by compact, he may, for every such imprisonment, maintain, by virtue of this chapter, an action at law in the Superior or County Court for the damages sustained thereby, against the person by whom he shall be so committed, detained, imprisoned, sent prisoner or transported contrary to the true intent and meaning of this chapter, and against any person who shall frame, contrive, write, seal, sign, or countersign any warrant or writing for such commitment, detainer, imprisonment or transportation, or who shall advise, aid or assist in the same or any of them. In such action the plaintiff may recover penal as well as compensatory damages but in any case the damages shall not be less than \$1,500.00.

Any person who shall knowingly frame, contrive, write, seal, sign or countersign any warrant for such commitment, detainer, or transportation, or shall so commit, detain, imprison or transport any person contrary to this chapter, or advise, aid or assist therein, shall be fined or imprisoned at hard labor, or both, at the discretion of the court before which the conviction shall be had and shall in addition thereto, from thenceforth be disqualified from holding any office or trust or profit under this State.

Nothing contained in this chapter shall be construed to prevent the sending of a citizen of this State or person at any time resident therein, who has committed any treason, felony or misdemeanor in another state of the United States or in any foreign country, to such other state or foreign country having jurisdiction of such offense, for the purpose of being tried therefor.

2. This act shall take effect immediately.

Approved January 31, 1973.

CHAPTER 17

AN ACT to authorize the township of Matawan in the county of Monmouth to provide for the payment of a pension to Rose K. Wenzel.

WHEREAS, Rose K. Wenzel, a resident of the township of Matawan, in the county of Monmouth and State of New Jersey, has served the township in the capacity of township clerk for a period in excess of 34 years, rendering excellent, efficient and faithful service to the township of Matawan in the performance of her duties; and

WHEREAS, Rose K. Wenzel is not a member of any pension system, nor is she eligible for any benefits under Title 11 of the Federal Social Security Act; now, therefore

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Matawan, in the county of Monmouth is authorized to grant and pay to Rose K. Wenzel, for the remainder of her natural life, a pension to be effective upon the granting thereof not exceeding 30% of her monthly salary, which pension shall be paid in monthly installments.

2. If said pension is granted, the township of Matawan shall provide in its annual budget, after the date on which this act shall become operative in said township, for the payment to the said Rose K. Wenzel of said pension and from said date and until the adoption of its next annual budget, said township shall pay the same from any fund or funds available therefor.

3. This act shall take effect upon due adoption of an ordinance of the township of Matawan for the purpose of adopting same.

Approved January 31, 1973.

CHAPTER 18

AN ACT concerning recounts and challenges to school district elections, and supplementing chapter 14 of Title 18A of the New Jersey Statutes.

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

C. 18A:14-63.1 Locking of voting machines.

1. The election officials in a school election shall, as soon as the count of the vote is completed and fully ascertained in accordance with N. J. S. 18A:14-57, lock the counter compartment of each voting machine, and it shall so remain for a period of 15 days, or for a maximum of 30 days if the Commissioner of Education orders the machines to be opened and the registering counters rechecked against the election officers' return.

C. 18A:14-63.2 Application by defeated candidate for recount of votes.

2. When any defeated candidate at any school election shall have reason to believe that an error has been made in counting the vote or declaring the vote for the office to which he seeks election, he may, within 10 days following the announcement or declaration of the result of the voting, apply to the Commissioner of Education for a recount of the votes cast at the election, whether by paper ballots or by voting machine.

C. 18A:14-63.3 Application by voters for recount of votes.

3. When 10 voters at any school election or the board of education for the school district in which the election was held shall have reason to believe that an error has been made in counting or declaring the vote on any question, proposition or referendum, such voters or such board may, within 10 days following the announcement or declaration of the result of the voting, apply to the Commissioner of Education for a recount of the votes cast at the school election, whether by paper ballot or voting machine, as the case may be, on such question, proposition or referendum.

C. 18A:14-63.4 Issuance of directive to impound voting machines.

4. If the commissioner determines that a recount in a district in which voting machines were used is necessary, he shall issue a written directive to the county superintendent of elections or the county board of elections, as the case may be, to impound the voting machines until the recount has been made.

C. 18A:14-63.5 Supervision of recount.

5. Any recount shall be made under the supervision of an authorized representative of the Commissioner of Education with the cooperation of county election officials and the parties at interest or their representatives, within 30 days after the date of the election or the announcement of the result of the voting.

C. 18A:14-63.6 Security deposit in districts using voting machines.

6. In districts in which voting machines were used at the election, any applicant or group of applicants for a recount shall, upon application, simultaneously deposit with the Commissioner of Education a sum of \$2.00 per voting machine to be rechecked, as security for the payment of the costs and expenses of the recount.

C. 18A:14-63.7 Security deposit in districts using paper ballots.

7. In districts where paper ballots have been used, any applicant or group of applicants, as the case may be, for a recount, upon applying therefor, shall deposit with the Commissioner of Education such sum of money proportioned to the number of votes to be counted, but not exceeding \$25.00 for any one school district recount, as the commissioner may order as security for the payment of the costs and expenses of the recount.

C. 18A:14-63.8 Finding of error sufficient to alter result of election; expenses.

8. If it appears as a result of the recount that error or errors have occurred which alter the result of the election, or that the difference between the negative and affirmative of any public question is altered so as to change the result of the election, the Commissioner of Education shall order the costs and expenses of the recount to be paid by the school district in and for which the election was held, as other election expenses are paid.

C. 18A:14-63.9 Finding of no error sufficient to alter result of election; expenses.

9. If no error shall appear sufficient to alter the result of the election, the costs and expenses of the recount shall be paid from the security deposit made by the party or parties making the application. If no such error shall appear in districts in which voting machines were used, the commissioner upon completion of the recount shall promptly forward the security deposit of the applicant or applicants for a recount to the county superintendent of elections or the county board of elections, as the case may be, for deposit in the county treasury. In districts in which paper ballots were used, the security deposit of the applicant or applicants for a recount

may be applied by the commissioner to offset expenses, other than those of the commissioner, in conducting a recount.

C. 18A:14-63.10 Subpena power.

10. In any school election recount initiated pursuant to this act, the commissioner shall have the power to subpena necessary witnesses to testify and to produce books, papers, documents and other objects designated in the subpena.

C. 18A:14-63.11 Scope of recount.

11. In districts where election machines have been used, the commissioner shall ascertain from the party or parties applying for a recount which voting machines shall be rechecked. In the event that it shall appear during the course of the recheck that there has been a sufficient change in the tally of the votes cast to alter the result of the election, any candidate who appears then to be defeated, or, in the event of a question, proposition or referendum, the parties in interest who may be affected adversely, may, within 5 days, apply to the Commissioner of Education to continue the recheck on his behalf upon the same terms and conditions under which the original recheck was held.

C. 18A:14-63.12 Inquiry into alleged violations.

12. Upon written request within 5 days of the announcement of the result of an election by any defeated candidate, or, in the case of a question, proposition or referendum, upon petition of 10 qualified voters at any school election, the Commissioner of Education or his authorized representative shall inquire into alleged violations of statutorily prescribed procedures for school elections, to determine if such violations occurred and if they affected the outcome of the election.

C. 18A:14-63.13 Relief.

13. Where the commissioner finds as a result of a recount that an error has occurred which alters the result of the election, he shall order such relief as is appropriate.

C. 18A:14-63.14 Recount procedure.

14. The recount procedure in a school election shall be conducted according to the procedure prescribed in Title 19 of the Revised Statutes, except as otherwise provided in Title 18A of the New Jersey Statutes.

15. This act shall take effect immediately.

Approved January 31, 1973.

CHAPTER 19

AN ACT providing for the licensing of hearing aid dispensers by the State Board of Medical Examiners, creating a Hearing Aid Dispenser Examining Committee thereunder, defining its powers and duties and prescribing penalties for violations of this act.

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

C. 45:9A-1 Legislature's findings.

1. The Legislature hereby finds and declares that the practice of hearing aid dispensing need be regulated for the protection of the health, safety and welfare of the citizens of this State. The Legislature further finds and declares that peer regulation and the creation of a new board of examiners to carry out the provisions of this act are not in the public interest and it has hereby devised a regulatory mechanism which is consonant with the licensing policies of this State.

C. 45:9A-2 Definitions.

2. As used in this act:

a. "Board" means the State Board of Medical Examiners.

b. "Committee" means the Hearing Aid Dispensers Examining Committee.

c. "Hearing aid" means an electro-acoustic system scientifically designed to be head or body worn by an individual. Its basic components shall be a microphone, amplifier, and receiver. Each component shall be adapted to the needs of the individual. These needs shall be measured in acoustic gain, frequency response, and maximum power output.

d. "Practice of dispensing and fitting hearing aids" means the evaluation or measurement of the power or range of human hearing by means of an audiometer or by any other means devised and the consequent selection of adaptation or sale of hearing aids intended to compensate for hearing loss, including the making of an impression of the ear.

e. "Hearing aid dispenser" means a person engaged in the fitting and selling of hearing aids to a person with impaired hearing.

f. "Director" means the Director of the Division of Consumer Affairs.

C. 45:9A-3 Hearing Aid Dispensers Examining Committee; creation, membership, appointment, qualifications.

3. There is hereby created in the Division of Consumer Affairs of the Department of Law and Public Safety, under the State Board of Medical Examiners, a Hearing Aid Dispensers Examining Committee to consist of seven members six of whom are to be appointed by the Governor with the advice and consent of the Senate. The seventh member shall be the Director of the Division of Consumer Affairs, ex officio, or his designated representative.

Three members of the committee shall be qualified hearing aid dispensers for a period of at least 3 years immediately preceding the effective date of this act and shall hold certification from the National Hearing Aid Society or its equivalent. All hearing aid dispenser members, other than those first appointed, shall be holders of a valid license as provided by this act. Those first appointed shall not be exempt from the requirements of sections 10 and 11 of this act, provided, however, that the board shall make provision for their examination and licensure as soon as practicable after their appointment.

One member of the committee shall be a physician and diplomate of the American Board of Otolaryngology. One member shall be a clinical audiologist and hold certification from the American Speech and Hearing Association and one member shall be a public member to represent the interests of the general public.

C. 45:9A-4 Terms; vacancies.

4. Each member of the committee, except the members first appointed and the director, shall serve for a term of 5 years. Each member shall hold office until the appointment of his successor. The initial appointments to the committee shall be two members for a term of 1 year; two members for a term of 2 years and two members for a term of 3 years.

Vacancies shall be filled for the unexpired term only. No member may be appointed for more than two terms.

C. 45:9A-5 Compensation.

5. Each member of the committee shall receive \$25.00 for each day of actual service in attending meetings of the committee at which business is transacted and in addition shall be entitled to be reimbursed for his necessary travel expenses; provided, such compensation in any 1 fiscal year shall not exceed \$1,000.00.

C. 45:9A-6 Oath; officers.

6. The members of the committee shall, before entering the discharge of their duties, and within 30 days after their appointment,

take and subscribe to an oath before an officer authorized to administer oaths in this State, for the faithful performance of their duties, and file the same with the Secretary of State. They shall annually elect from their number a president and a secretary-treasurer each of which officers shall hold office for 1 year and until his successor shall have been duly elected and qualified.

C. 45:9A-7 Duties and responsibilities of committee.

7. The committee shall ascertain the facts concerning the dispensing and sale of hearing aids, for the purpose of determining the need for, and desirability of, rules and regulations to promote the health, safety, and welfare of the public and to effectuate the purposes of this act and to aid the committee in the performance of its powers and duties hereunder, and the committee shall make and promulgate, with the approval of the board, rules and regulations for said purposes pursuant to the Administrative Procedures Act. The secretary-treasurer of the committee shall keep a record of all the proceedings of the committee which shall be transmitted to the board and shall be open to public examination.

C. 45:9A-8 Additional duties and responsibilities of committee.

8. The committee may recommend the preparation of and administration by the State Department of Education or Department of Higher Education or public institutions designated by either of said departments of a course of instruction concerned with the fitting and selection of hearing aids. The committee may require, with the approval of the board, that prospective licensees shall complete such a course of instruction as a condition of licensure. The committee shall publish and distribute information concerning the examination requirements for obtaining a license to engage in the practice of fitting and selling hearing aids within this State. The committee may require, with the approval of the board, that licensees, as a condition of renewal, attend courses designed to update and refresh their knowledge and skills.

C. 45:9A-9 Application for examination; fee.

9. Any person desiring to commence the practice of dispensing and fitting hearing aids in this State shall file with the secretary of the committee an application, to be furnished by said secretary and verified by oath of the applicant, stating therein that he is a person of good moral character, more than 18 years of age, has received training and has had experience in the practice of dispensing and fitting hearing aids. The applicant shall file with the secretary of the committee a fee of \$20.00 for the examination.

C. 45:9A-10 Holding of examinations.

10. An applicant for a license who is notified by the committee that he has fulfilled to its satisfaction the requirements set forth in section 9 of this act shall appear at such time and place to be examined by written and practical tests in order to demonstrate that he is qualified to practice dispensing and fitting hearing aids. The committee shall give at least one examination of the type prescribed in this act each year, and such additional examinations as the volume of applications therefor may make appropriate. The committee shall give due public notice of the date, time and place of said examinations.

C. 45:9A-11 Contents of examination.

11. The examination provided in this act shall consist of:

a. Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

- (1) Basic physics of sound.
- (2) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders.
- (3) Structure and function of hearing aids.

b. Tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

- (1) Pure tone audiometry, including air conduction testing and bone conduction testing.
- (2) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing.
- (3) Effective masking.
- (4) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy.
- (5) Selection and adaptation of hearing aids and testing of hearing aids.
- (6) Taking earmold impressions.
- (7) Other skills as may be required for the fitting of hearing aids.

The tests under this section shall not include questions requiring a medical or surgical education.

C. 45:9A-12 Issuance of certificate of registration; fee.

12. Upon payment of \$25.00 the committee shall register each applicant who satisfactorily passes the examination. Thereupon

the board shall issue to the applicant a certificate of registration. The license shall be effective for 1 year.

C. 45:9A-13 Issuance of certificates of endorsement to certain applicants; fee.

13. Whenever the committee determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this act for the practice of fitting and dispensing hearing aids, and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this act are qualified to dispense and fit hearing aids, the committee may issue certificates of endorsement to applicants therefor who hold current, unsuspended and unrevoked certificates or licenses to dispense and fit hearing aids in such other state or jurisdiction. No such applicant for a certificate of endorsement pursuant to this subsection shall be required to submit to or undergo any examination, investigation or other procedure, other than the payment of fees, pursuant to this act. The holder of a certificate of endorsement shall be registered in the same manner as holders of a license. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal and procedures therefor, suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.

C. 45:9A-14 Notifications and records of places of practices of licensees.

14. A person who holds a certificate of endorsement shall notify the committee in writing of the address of the place or places where he engages or intends to engage in the practice of fitting or dispensing of hearing aids.

The committee shall keep a record of the places of practices of persons who hold licenses or certificates of endorsements. Any notice required to be given by the committee to a person who holds a license or certificate of endorsement may be given by mailing it to him at the address given by him to the committee.

C. 45:9A-15 Renewal of license.

15. A person except a medical physician or osteopath who practices the dispensing and fitting of hearing aids shall annually pay to the committee a fee of \$25.00 for a renewal of his license or certificate of endorsement. The committee may suspend the license or certificate of any person who fails to have his license or certificate renewed.

C. 45:9A-16 Issuance of temporary license; fee.

16. a. An applicant who fulfills the requirements of section 9 of this act who has not previously applied to take the examination provided under section 10 of this act may apply to the board for a temporary license.

Upon receiving an application for said temporary license, accompanied by a fee of \$5.00, the committee shall issue a temporary license which shall entitle the applicant to practice the dispensing and fitting of hearing aids for a period ending 30 days after the conclusion of the next examination given after the date of issue.

No temporary license shall be issued by the committee unless the applicant shows to the satisfaction of the committee that he is or will be supervised and trained by a person who holds a valid license or certificate of endorsement issued pursuant to this act.

If a person who holds a temporary license issued under this section does not take the next examination given after the date of issue, the temporary license shall not be renewed, except for good cause shown to the satisfaction of the committee.

If a person who holds a temporary license issued under this section takes and fails to pass the next examination given after the date of issue, the committee may renew the temporary license for a period ending 30 days after the results of the next examination given after the date of renewal are announced. In no event shall more than one renewal be permitted. The fee for renewal shall be \$20.00.

b. An applicant who meets the requirements of section 9 of this act except with respect to training and experience and is desirous of obtaining the requisite training and experience in order to qualify for a license and who proves to the satisfaction of the committee that he will be directly supervised and trained by a person who holds a valid license or certificate of endorsement issued pursuant to this act, may have a temporary license issued to him which shall entitle him to be engaged, under such direct supervision, in the fitting and selling of hearing aids for a period ending 30 days after the results of the next examination are announced. Such a temporary license may be renewed from period to period not to exceed 2 consecutive years.

C. 45:9A-17 Revocation, suspension, or refusal to renew licenses.

17. The Director of the Division of Consumer Affairs shall have the power upon notice and opportunity for a hearing to revoke, suspend, or refuse to renew any license, temporary license or

certificate of endorsement issued pursuant to this act for the following reasons:

a. Being convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of such court, shall be sufficient evidence to warrant revocation or suspension.

b. By securing a license or certificate under this act through fraud or deceit.

c. For unethical conduct, ignorance, neglect, incompetence or inefficiency in the conduct of his practice. Incompetence shall include but not be limited to the improper or unnecessary fitting of a hearing aid. For the purposes of this act unethical conduct shall mean:

(1) The obtaining of any fee or the making of any sale by fraud or misrepresentation.

(2) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this act.

(3) Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful.

(4) Advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(5) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor," "clinic," or like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate.

(6) Habitual intemperance.

(7) Gross immorality.

(8) Permitting another to use his license or certificate.

(9) To imitate or simulate the trademarks, trade names, brands or labels of competitors, with the capacity and tendency

or effect of misleading or deceiving purchasers or prospective purchasers; or

(10) To use any trade name, corporate name, trademark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect.

(11) To directly or indirectly give, or offer to give, or permit or cause to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, or to influence persons to refrain from dealing in the products of competitors.

d. For practicing while knowingly suffering with a contagious or infectious disease.

e. For the use of a false name or alias in his practice.

f. For violating any of the provisions of this act or rules or regulations promulgated hereunder.

C. 45:9A-18 Disposition of fees; expenditures; limitation.

18. All fees coming into the custody of the committee, including examination fees, license fees, renewal fees, fines, penalties and other payment, shall be paid by the board to the State Treasurer and become a part of the general fund.

All expenditures deemed necessary to carry out the provisions of this act shall be paid by the State Treasurer from the license fees and other sources of income of the committee, within the limits of available appropriations according to law, but in no event shall expenditures exceed the revenues of the committee during any fiscal year.

C. 45:9A-19 Penalties.

19. Any person who violates the provisions of this act, or obstructs or interferes with any duly authorized agent of the committee in the performance of his duty under this act, shall be subject to a penalty of \$200.00 for the first offense and \$500.00 for each subsequent offense, to be sued for and recovered by and in the name of the director. If the violation of this act is of a continuing nature, each day during which it continues after the director or his authorized representative has ordered the violator to cease, shall constitute an additional separate and distinct offense for the pur-

poses of this section. The penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). In addition to the penalties provided herein, the court may order any moneys, or property, which have been acquired by means of a practice in violation of this act, to be restored.

C. 45:9A-20 Enforcement of act.

20. The director may enforce any provision of this act by injunction or by any other appropriate proceeding. No such proceeding shall be barred by any proceeding had or pending pursuant to any provision of this act, or by the imposition of any fine or term of imprisonment pursuant thereto.

C. 45:9A-21 Hearings.

21. No license or certificate of endorsement issued pursuant to this act may be suspended, revoked, denied or renewal denied without a hearing, if requested by the holder or applicant, on due notice.

C. 45:9A-22 Application and construction of act.

22. This act shall not apply to any person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization, which is primarily supported by voluntary contributions unless they sell hearing aids. This act shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice by the board from treating, or fitting hearing aids to, the human ear.

C. 45:9A-23 Information and receipt to be furnished by licensee.

23. a. A licensee shall advise a prospective hearing aid user at the outset of their relationship that any examination or representation made by the licensed hearing aid dispenser in connection with the practice of fitting and selling of a hearing aid is not an examination, diagnosis or prescription by a person licensed to practice medicine in this State or by a certified audiologist and, therefore, must not be regarded as medical opinion.

b. A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

- (1) the date of consummation of the sale,
- (2) specifications as to the make, serial number, and model number of the hearing aid or aids sold,

- (3) the address of the principal place of business of the licensee,
- (4) a statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact,
- (5) the number of the licensee's license,
- (6) the terms of any guarantee or express warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids,
- (7) such receipt shall bear, or have attached to it in no smaller type than the largest used in the body copy portion, the following: The purchaser has been advised at the outset of his relationship with the hearing aid dispenser that any examination or representation made by a licensed hearing aid dispenser in connection with the practice of fitting and selling of this hearing aid, or hearing aids, is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this State, or by certified audiologists and therefore must not be regarded as medical opinion.

C. 45:9A-24 Consultation with licensed physician under certain circumstances.

24. Whenever any of the following conditions are found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user, a licensee shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that his best interest would be served if he would consult a licensed physician specializing in diseases of the ear or if no licensed physician is available in the community then to a duly licensed physician:

- (a) visible congenital or traumatic deformity of the ear,
- (b) history of, or active-drainage from the ear within the previous 90 days,
- (c) history of sudden or rapidly progressive hearing loss within the previous 90 days,
- (d) acute or chronic dizziness,
- (e) unilateral hearing loss of sudden or recent onset within the previous 90 days,
- (f) significant air-bone gap.

A person receiving the written recommendation to purchase a hearing aid shall sign a receipt for the same.

The licensee shall provide the prospective hearing aid user with a list of at least three physicians specializing in diseases of the ear, practicing in the area, and their addresses or if none are practicing in the area, then a list of at least three physicians and their addresses.

C. 45:9A-25 Sale of hearing aids to persons under 18 years of age.

25. No hearing aid shall be sold by an individual licensed under this chapter, to a person less than 18 years of age unless within the preceding 6 months a recommendation for a hearing aid has been made by a board-certified, or a board-eligible physician specializing in otolaryngology, or by an audiologist certified by the American Speech and Hearing Association after examination and diagnosis by a board-certified or board-eligible otolaryngologist. A replacement of an identical hearing aid within 1 year shall be an exception to this requirement.

C. 45:9A-26 Maintenance of records.

26. A licensee shall keep and maintain in his office or place of business the following records:

- (a) results of tests as they pertain to the fitting of the hearing aid,
- (b) a copy of the written receipt required by section 23 and a copy of the written recommendation and receipt required by section 24, and
- (c) copies of such other records as the committee or the director shall reasonably require.

All such records shall be kept and maintained by the licensee for a period of 7 years.

C. 45:9A-27 Possession and posting of license.

27. It is unlawful for an individual to engage in the practice of fitting and selling of hearing aids or to display a sign or in any other way to advertise or hold himself out as being so engaged without having at the time of so doing a valid unsuspended, unrevoked and unexpired license, temporary license or certificate of endorsement. Such license, temporary license, or certificate of endorsement shall be conspicuously posted in the licensee's office or place of business at all times.

C. 45:9A-28 Authority to inspect and investigate.

28. a. The director or his authorized representatives are empowered to enter and inspect such places, question such individuals and investigate such facts, conditions or matters as they may deem appropriate to determine whether any person has violated any provision of this act or any rule or regulation entered hereunder.

b. The director or his authorized representatives shall have the power to administer oaths, examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production

of records, papers, documents, and testimony and to take depositions and affidavits in any proceeding before the director.

29. This act shall take effect immediately.

Approved January 31, 1973.

CHAPTER 20

AN ACT concerning the teaching of certain courses in history in high schools and amending N. J. S. 18A:35-1.

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

1. N. J. S. 18A:35-1 is amended to read as follows:

Course in history of the United States in high school.

18A:35-1. The superintendent of schools in each school district shall prepare and recommend to the board of education of the district, and the board of education shall adopt a suitable 2-year course of study in the history of the United States to be given to each student during the last 4 years of high school. Said course of study shall include materials recommended by the commissioner dealing with the history of the Negro in America.

2. This act shall take effect immediately and its provisions shall be applicable to the academic year commencing September 1973, and thereafter.

Approved February 5, 1973.

CHAPTER 21

AN ACT to amend "An act creating a Clean Water Council; defining its functions and duties; providing for a Clean Water Scholarship Internship Program and amending and supplementing 'An act concerning public health, authorizing State financial assistance for the planning of public sanitary sewerage facilities, supplementing Title 26 of the Revised Statutes and making an appropriation,' approved July 1, 1965 (P. L. 1965, c. 121)," approved June 15, 1967 (P. L. 1967, c. 109).

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

1. Section 6 of P. L. 1967, c. 109 (C. 26:2E-8) is amended to read as follows:

C. 26:2E-8 Water pollution control projects; grants.

6. (a) The Commissioner of Environmental Protection is hereby authorized to, subject to the availability of funds, make grants to any county or municipality, or any combination or agency thereof or to any State or interstate agency to assist such governmental units or agencies in the construction of those water pollution control projects as qualify for Federal aid and assistance under the provisions of the "Federal Water Pollution Control Act," and any acts amendatory thereof or supplemental thereto or revisions thereof, and any regulations promulgated pursuant thereto.

(b) The State's contribution toward the construction of such projects shall not exceed 25% of the cost of that portion of said projects which qualify for Federal assistance.

(c) The determination of the relative need, the priority of projects, and the standards of construction shall be consistent with the provisions of the "Federal Water Pollution Control Act," as aforesaid, and chapter 121 of the laws of 1965, as amended and supplemented.

(d) The Commissioner of Environmental Protection shall prescribe the procedures for applying for the grants authorized by this section and may adopt such rules and regulations as may be necessary to implement the provisions of this section and to carry out its purpose.

(e) The commissioner is hereby authorized, and with the approval of the Board of Public Utility Commissioners as to any public utility which is subject to Title 48 of the Revised Statutes, to condition the award of the grant on the adoption by the grantee of an equitable schedule and classification of rents, rates, fees or other charges for direct or indirect connection with, or the use or services of, the sewerage system. This schedule and classification shall, to the extent practicable, be based on the amount and the characteristics of the sewage and other wastes and other special matters affecting the cost of treatment and disposal thereof, including, but not limited to, chlorine demand, chemical oxygen demand, biochemical oxygen demand, concentration of solids,

chemical composition and an allowance for amortization of the sewerage system.

2. This act shall take effect on January 1 of the year next following its enactment.

Approved February 8, 1973.

CHAPTER 22

AN ACT concerning insurance and revising parts of the statutory law.

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

1. Section 1 of P. L. 1959, c. 168 (C. 17:38-1.1) is amended to read as follows:

C. 17:38-1.1 Fraternal benefit society contracts; conformity with health insurance code provisions.

1. One year after the effective date of this supplementary act, and thereafter, no domestic, foreign or alien fraternal benefit society authorized to do business in this State shall issue or deliver in this State any certificate or other evidence of any contract of insurance or endorsement thereto against loss or damage from the sickness, or the bodily injury or death of the insured by accident, except in conformity with the provisions of chapter 26 of Title 17B of the New Jersey Statutes.

2. Section 2 of P. L. 1959, c. 168 (C. 17:38-1.2) is amended to read as follows:

C. 17:38-1.2 Applicable law.

2. Section 17B:26-2 of Title 17B shall not apply to fraternal benefit societies nor shall that part of section 17B:26-4 apply which requires that the policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. The word "policy" as used in chapter 26 of Title 17B shall mean "certificate" as applied to fraternal benefit societies.

3. Section 6 of P. L. 1960, c. 32 (C. 17:22-6.40) is amended to read as follows:

C. 17:22-6.40 Short title; application of act.

6. Section 6 through 31 of this act (C. 17:22-6.40 through 17:22-6.65) constitute and may be referred to as "the surplus lines law." This act does not apply to life insurance companies writing life insurance, accident and health insurance and annuities, nor to risks insured under exceptions (e) and (f) of section 3 of this act (C. 17:22-6.37), nor to insurance coverages which are independently procured as provided in section 30 (C. 17:22-6.64) of this act.

4. N. J. S. 17B:18-13 is amended to read as follows:

Qualified voters; "policyholder" defined.

17B:18-13. The qualified voters of the insurer shall consist of every policyholder who is 18 years of age or more and whose policy has been in force for at least 1 year. For the purposes of this section the term "policyholder" shall mean a. the person insured under an individual policy of life or health insurance, except where such policy declares some other person to be the owner thereof, in which case such owner shall be deemed to be the policyholder, b. the person to whom any annuity or pure endowment is presently or prospectively payable by the terms of an individual annuity or pure endowment contract except where the policy or contract declares some other person to be the owner thereof, in which case such owner shall be deemed to be the policyholder, c. the policyholder of any group life or health policy and d. the contract holder of any group annuity contract.

5. N. J. S. 17B:18-23 is amended to read as follows:

Qualified voters; "policyholder" for purpose of section defined.

17B:18-23. The qualified voters of the insurer shall consist of every policyholder who is 18 years of age or more and whose policy has been in force for at least 1 year. For the purposes of this section the term "policyholder" shall mean a. the person insured under an individual policy of life or health insurance, except where such policy declares some other person to be the owner thereof, in which case such owner shall be deemed to be the policyholder, b. the person to whom any annuity or pure endowment is presently or prospectively payable by the terms of an individual annuity or pure endowment contract except where the policy or contract declares some other person to be the owner thereof, in which case such owner shall be deemed to be the policyholder, c. the policyholder of any group life or health policy and d. the contract holder of any group annuity contract.

6. N. J. S. 17B:18-26 is amended to read as follows:

Method of election when demand is made by public directors that other candidates be nominated.

17B:18-26. If the public directors shall file a demand pursuant to section 17B:18-24 that other candidates be nominated, the election shall be according to the method prescribed in this section as follows:

a. The commissioner within 30 days after the receipt of such demand by the public directors, shall appoint a nominating committee of 15 of such qualified voters who shall appear to the commissioner to be willing and qualified to select a candidate for each of the offices of the elected directors whose terms of office expire at the date of the next ensuing election. No officer, director, employee or agent of the corporation, nor any relative thereof by blood or connection by marriage in nearer degree than second cousin, nor any person who shall have served on such a nominating committee at any previous time, shall be eligible to be named by the commissioner to serve upon such nominating committee. The commissioner shall forthwith cause notice of the time and place of the first meeting of such committee to be sent to each member thereof. Within 30 days following the appointment or within such further period of time not exceeding 15 days as may be determined by the commissioner, the nominating committee shall by a majority vote select a candidate, suitable by training and experience to serve, for each such office of elected director, other than any candidate nominated by the board of directors, and shall within such period file with the commissioner a certificate setting forth the names, addresses and occupations of the candidates so nominated, together with a statement in writing from each of such candidates that he will accept if elected. The commissioner shall notify the secretary of the corporation of the names, addresses and occupations of the candidates so selected by the nominating committee.

b. When nominations shall have been made by such nominating committee, the commissioner shall cause notice of the election to be published at least 4 times at intervals of not less than 1 week, the first publication to be not more than 5 months and the last publication not less than 3 months prior to the date of the election in at least three newspapers published in each state of the United States and in each province of Canada in which the corporation is authorized to do business, one of such publications in each state

or province to be, whenever possible, in a newspaper published in the capital city of such state or province. Not less than 4 months prior to the date of the election, copies of such notice shall be posted in such offices maintained by the corporation as the commissioner may direct, in a conspicuous place to which the general public has access, and shall remain so posted until the record date hereinafter specified. Such notice shall contain the names, addresses and occupations of the candidates nominated by the board of directors and of the candidates nominated by the nominating committee, and shall advise the policyholders as to the procedure required by sections 17B:18-18 to 17B:18-28, inclusive, to be followed in voting. The death or withdrawal of any candidate or the nomination of any candidate in his place before or after the completion of publication or posting shall not invalidate such notice. The omission of any publication or posting herein prescribed shall not invalidate such notice nor the election to which it relates.

c. The commissioner shall prepare the form of ballot which shall contain: (1) the names of the candidates for director nominated by the board of directors, and so designated, and separately the names of the candidates for director nominated by the nominating committee, and so designated; (2) the following statement: "The Commissioner of Insurance of New Jersey neither approves nor disapproves the nomination of any of the aforesaid candidates"; (3) blank lines for the insertion of the policy number and signature of the qualified voter; and (4) such instructions for the proper completion of the ballot as the commissioner may deem necessary, including a statement of the date of the election and that the ballot must be received on or before such date. Each ballot shall be accompanied by a gummed postpaid return envelope, addressed to the commissioner, on which the words "Ballot for Directors" shall be printed. The commissioner shall cause ballots to be mailed at least 30 days prior to the date of the election to all applicants for ballots who appear to him, after checking the applications against the records of the corporation, to be qualified voters of the corporation on the record date. No election shall be held invalid by reason of any irregularity or failure in the preparation or forwarding of any ballots pursuant hereto.

d. Each qualified voter of the corporation shall be entitled to cast one vote and all ballots shall be cast by mail upon the forms provided and shall be according to the provisions of sections 17B:18-18 to 17B:18-28, inclusive, any existing law of this State to

the contrary notwithstanding. Policyholders who are qualified voters may obtain ballots by applying therefor either in person or by mail to the commissioner, or to any office maintained by the corporation, on or before the record date which shall be 70 days prior to the date of the election, stating in such application for a ballot, the name, address, policy number and date of birth of the applicant. The corporation shall prepare a list or other catalog of the applicants for ballots in such form as the commissioner may direct, showing the name, address and policy number of the applicant, whether or not he is 18 years of age or more and whether his policy has been in force at least 1 year; and such list or catalog shall specify any applicants for ballots appearing not to be qualified voters of the corporation according to its records, with a statement of the reason therefor. Such list or catalog shall be transmitted at least 40 days before the date of the election to the commissioner. The commissioner shall cause notice of disqualification to be given to any applicant who shall appear to him to be not a qualified voter of the corporation, with a statement of the reason therefor; and shall grant such applicant reasonable opportunity, within such period as may be fixed by the commissioner in his sole discretion, to present facts in support of his application. The list or catalog shall remain on file with the commissioner until 30 days after the election and shall be open to inspection by any qualified voter of the corporation, as the commissioner shall determine.

e. Ballots received by the commissioner on or before the date of the election shall be canvassed by the commissioner. The commissioner may employ such persons to assist him in canvassing the ballots as he deems necessary. No ballot shall be counted unless it is received by the commissioner on or before the date of the election, nor unless it shall set forth the number of the qualified voter's policy, be signed by him in person and be completed in accordance with the instructions appearing thereon; and no ballot shall be counted if cast for any person other than for one nominated as provided in sections 17B:18-18 to 17B:18-28, inclusive, nor if cast for more than the number of elected directors whose offices are to be filled at such election. The commissioner shall be the sole judge as to the qualifications of the voters and the proper casting of the ballots. All ballots received by the commissioner shall at the conclusion of the election be placed in sealed packages and preserved by him for at least 1 year from the date of the election. The four persons receiving the highest number of votes for the offices of elected director to be filled shall be elected for full terms. In case

two or more persons shall receive the same number of votes for the same office, the commissioner shall decide the election by lot. At the conclusion of the election, the commissioner shall certify in writing to the secretary of the corporation the result thereof.

f. In case of the death or withdrawal of any candidate prior to a date 50 days before the date of the election, the board of directors or the nominating committee, whichever shall have nominated such candidate, shall nominate a candidate in his place by filing not later than 40 days before the date of the election a certificate similar to that required for the original nominations; and in case of the death or withdrawal of any candidate within 50 days before the date of the election, no substitution of a candidate shall be made to take the place of the candidate so dying or withdrawing, and the election shall nevertheless proceed. If the report of the canvass of the votes at the election shows the number of votes so cast for the candidates so dying or withdrawing, for whom no substitution shall have been made, was such that he would have been elected except for the fact of his death or withdrawal, a vacancy in the board of directors shall be deemed to have occurred as of the date of the election and the same shall be filled by a majority vote of the entire number of either the board of directors or the nominating committee, whichever shall have nominated such candidate.

g. The commissioner shall conduct the election, may make such reasonable regulations for the conduct of the election not inconsistent with the provisions of sections 17B:18-18 to 17B:18-28, inclusive, as may appear to him to be necessary or desirable, and shall authorize payment of expenses incurred by the corporation for the purpose of advising policyholders, to the extent and in the manner he deems appropriate, as to the qualifications of the candidates. He may employ such persons as he may consider necessary to assist him in the performance of the duties imposed upon him under sections 17B:18-18 to 17B:18-28, inclusive, and may require the corporation to furnish assistance in such respects and in such manner as he may direct. All expenses incurred by the commissioner or by the nominating committee with the approval of the commissioner, in performing any of the duties imposed upon them by this act shall be borne by the corporation, and shall be paid by it upon the order of the commissioner. If the commissioner shall so request, the corporation shall advance to the commissioner funds reasonably sufficient to defray such expenses and the commissioner shall remit such funds to the State Treasurer as custodian thereof. The State Treasurer shall hold such funds separate from all other

State moneys and shall disburse the same only upon vouchers signed by the commissioner, who shall account to the corporation therefor.

7. N. J. S. 17B:18-44 is amended to read as follows:

Stock of other insurance companies.

17B:18-44. A domestic insurer which purchases stock of another insurance company in compliance with section 17B:20-4 may pay therefor in cash or its equivalent or in its own capital stock, and may issue its capital stock in payment to the persons from whom the same may be purchased or acquired, or otherwise for the purpose of the purchase or acquisition. The stock so purchased or acquired shall constitute lawful payment for the capital stock issued to purchase or acquire it and any capital stock so issued shall be deemed a part of the capital of the issuing company. The company may exhibit the amount of capital so paid up in its advertisements.

8. N. J. S. 17B:18-48 is amended to read as follows:

Advertisement of assets to include liabilities.

17B:18-48. When an insurer doing business in this State advertises its assets, it shall, in the same connection and equally conspicuously, advertise its liabilities, the same to be determined in the manner required in making the annual statements to the commissioner. All advertisements purporting to show the capital of the company shall exhibit only the amount of capital actually paid in cash. In the case of a company organized under the laws of a foreign country, its assets shall be considered to be only the amounts deposited with the officials of the several states of the union or held by trustees in the United States for the benefit of the policyholders and creditors of the company in the United States. All policies, renewals, signs, circulars, cards, or other means by which public announcements are made, shall be held to be advertisements within the meaning of this section.

9. N. J. S. 17B:18-52 is amended to read as follows:

Salaries limited; pensions; benefits.

17B:18-52. No domestic insurer shall:

a. Pay any salary, compensation or emolument to any of its officers, directors or trustees, or any salary, compensation or emolument amounting in any year to more than \$30,000.00 to any person, unless the payment is first authorized by a vote of its board of directors;

b. Make any agreement with any of its officers, trustees or salaried employees whereby it agrees that for any service rendered or to be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of 24 months from the date of the agreement, but nothing herein shall be construed to prevent a domestic insurer from deferring the payment of any salary, compensation or emolument for such period of time and upon such terms as it may determine or from entering into contracts with its agents or brokers for the payment of renewal commissions.

c. Grant any pension to any officer, director, employee or trustee thereof or to any member of his family after his death, except that according to a plan submitted to and approved by the commissioner it may: (1) grant to its salaried officers and employees retirement and disability allowances and death benefits; (2) establish a profit sharing plan which meets the requirements of section 401(a) of the Internal Revenue Code of 1954 or any similar legislation which might take its place and which plan, at the option of the insurer, may be in addition to any existing pension plan; and except that it may with the approval of the commissioner provide reasonable supplemental retirement allowances to any of its salaried officers and employees and their dependents, whose retirement benefits under the insurer's plan or plans are, in the opinion of its board of directors, inadequate. Such allowances shall not exceed the greater of \$3,000.00 per annum and the excess, if any, of 50% of the individual's average salary, based on the 5 years immediately prior to retirement, over such retirement benefits.

10. N. J. S. 17B:20-2 is amended to read as follows:

Limitation of investments.

17B:20-2. No domestic insurer shall purchase more than 8% of any class of stock which entitles the holder thereof to vote at all elections of directors of any one corporation, unless it be: a municipal corporation; a corporation engaged primarily in a business involving the owning, developing, operating or leasing of real property; or an investment company within the meaning of the Investment Company Act of 1940 for which such insurer or its subsidiary is the investment manager or investment adviser, provided, that such investment company shall not own, control or hold in its portfolio any investment which, if added to the other investments of such insurer, would result in such insurer holding more than 8% of any class of stock which entitles the holder

thereof to vote at all elections of directors of any one corporation. No such insurer shall hold more than 8% of any such class of stock of any investment company pursuant to this section at any time when such insurer could not purchase such stock pursuant to the foregoing provisions of this section. Neither shall the amount invested by any such insurer in the voting stock of any one corporation exceed 2% of the total admitted assets of such insurer as of December 31 next preceding, nor shall the aggregate investment in the common stock of all corporations (exclusive of investments in the common stock of subsidiaries pursuant to section 17B:20-4) valued at cost exceed 15% of such assets except that to the extent that such aggregate investment in stock exceeds 10% of such assets, further investments shall be subject to regulation by the commissioner under a formula which shall take into consideration the actual mandatory securities valuation reserve, as defined by the Subcommittee on Valuation of Securities of the National Association of Insurance Commissioners, held by a company which is applicable to such stocks in the corresponding annual statement filed with the department, nor shall the amount invested in the evidences of indebtedness, preferred stock and certificates of receivers of any one institution exceed 5% of such assets. Nothing herein contained shall prevent any such insurer from purchasing, investing in or otherwise acquiring the voting stock of certain corporations as hereinafter provided in sections 17B:20-3 and 17B:20-4.

No investment shall be made by any such insurer unless the same shall be authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment, or shall be made in conformity with standards approved by such board of directors or such committee.

No such insurer shall enter into any agreement to withhold from sale any of its property or jointly or severally enter into any agreement to purchase the unsold amount of securities which are the subject of an offering for sale to the public or otherwise to guarantee the sale of such securities.

Nothing contained in this section shall prevent any such insurer from distributing shares of an investment company within the meaning of the Investment Company Act of 1940 for which such insurer or its subsidiary is the investment manager or investment adviser.

Any insurer may enter into an agreement to acquire any investment permitted by law, directly with the issuer or owner thereof, and may participate with other investors provided that the obliga-

tions of such insurer and such other investors shall be several and not joint.

The term "Investment Company Act of 1940" as used in this section shall mean an act of Congress approved August 22, 1940 entitled "Investment Company Act of 1940" as amended from time to time, or any similar statute enacted in substitution therefor.

11. N. J. S. 17B:22-6 is amended to read as follows:

One who solicits considered company's agent.

17B:22-6. Any person who solicits an application for life insurance, health insurance or annuity, other than a broker, shall in any controversy relating thereto between the insured or his beneficiary and the company issuing any contract upon the application, be regarded as the agent of the company, and not as the agent of the insured.

12. N. J. S. 17B:23-6 is amended to read as follows:

Purpose.

17B:23-6. Sections 17B:23-6 through 17B:23-11 are deemed and declared to be remedial legislation for the protection of the health and welfare of persons resident in this State by subjecting nonadmitted insurers which solicit, insure, or cause to be solicited such resident persons to the laws which govern all foreign insurers which do business in the State of New Jersey. These provisions shall be liberally construed to effectuate its purpose and intent.

13. N. J. S. 17B:23-7 is amended to read as follows:

Definition.

17B:23-7. Whenever used or referred to in sections 17B:23-6 to 17B:23-11 the term "commissioner" shall mean the Commissioner of Insurance.

14. N. J. S. 17B:26-2 is amended to read as follows:

Form of policy; requirements.

17B:26-2. a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) the entire money and other considerations therefor are expressed therein; and

(2) the time at which the insurance takes effect and terminates is expressed therein; and

(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) the style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26-3 to 17B:26-31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) it contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so

terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26-3 to 17B:26-31 inclusive.

15. This act shall take effect immediately.

Approved February 8, 1973.

CHAPTER 23

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-17, provided however that a supplemental debt statement was made, sworn to and filed in the places required by said N. J. S. 18A:24-17 prior to such election; and provided further that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved February 8, 1973.

CHAPTER 24

AN ACT concerning the rehabilitation of certain persons discharged from county jails, county penitentiaries or other county correctional institutions, authorizing the appropriation of county funds for said purposes, and providing for the establishment of an advisory committee relative thereto in the Department of Institutions and Agencies.

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

C. 30:8-54 Annual appropriation for the rehabilitation and reestablishment of certain persons as law-abiding citizens.

1. The board of chosen freeholders of any county may appropriate annually funds to provide for the rehabilitation and reestablishment as law-abiding citizens, of indigent persons discharged from the county jail, county penitentiary or other county institution for the confinement of persons charged with, or convicted of, crime, in order to better control the menace of the repeated

commission of crime by such persons and for the protection of the public from recidivism.

C. 30:8-55 Expenditure of funds.

2. Said funds shall be expended in such manner as shall be fixed, and in accordance with such rules and regulations as shall be adopted, by resolution of the board, by such officers as the board shall by resolution determine; provided any cash allowance to a prisoner shall be made only after individual study of the needs and merits of each case, and, provided, further, that no cash allowance to a discharged jail prisoner shall exceed \$25.00, to be paid on the day of discharge. The board may contract with an incorporated welfare or charitable group organized for the rehabilitation of indigent discharged jail prisoners.

C. 30:8-56 Advisory Committee on County Aid to Released Prisoners; establishment, membership, appointment, compensation, term.

3. There is hereby established in the Department of Institutions and Agencies an Advisory Committee on County Aid to Released Prisoners which shall act in an advisory capacity to the several boards of chosen freeholders in the formulation of rules and regulations for the administration of this act in the interest of efficiency and uniformity which shall consist of the Director of the Division of Correction and Parole in that department, ex officio, and of four additional members, two of whom shall be members of the board of chosen freeholders of different counties, one of whom shall be the sheriff of a county or the county officer in charge of the county jail and one of whom shall be a county probation officer, who shall be appointed by the Commissioner of Institutions and Agencies to serve without compensation for terms of 1 year.

4. This act shall take effect immediately.

Approved February 8, 1973.

CHAPTER 25

AN ACT concerning fire district elections and amending N. J. S. 40A:14-72 and 40A:14-74.

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

1. N. J. S. 40A:14-72 is amended to read as follows:

Annual election; determination as to money to be raised.

40A:14-72. An election shall be held annually in each fire district for the election of members of the board according to the expiration of terms. The date, time and place of the election shall be determined by the board and a notice thereof, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board, shall be published at least once in a newspaper circulating in the district at least 3 weeks prior to the date fixed for the election.

The legal voters thereat shall determine the amount of money to be raised for the ensuing year and determine such other matters as may be required.

2. N. J. S. 40A:14-74 is amended to read as follows:

Elections; notice; eligibility of voters.

40A:14-74. The municipal clerk or the clerk of the board of fire commissioners, as the case may be, shall cause a further notice of the holding of such election to be published at least once not later than 1 week prior thereto in a newspaper circulating in said fire district.

At least 7 days prior to the election the municipal clerk or the clerk of the board, as the case may be, shall obtain the registry list for the municipality or municipalities and election districts comprised within such fire district for the preceding general election. No person shall be permitted to vote at the election unless his name appears on the registry list or he shall have become of legal age and is otherwise qualified and shall file an application to vote with the clerk at least 2 days prior thereto.

3. This act shall take effect immediately.

Approved February 16, 1973.

CHAPTER 26

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84), as said short title was amended by P. L. 1971, c. 213, s. 35.

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

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

C. 43:15A-17 Board of trustees.

17. Subject to the provisions of P. L. 1955, c. 70 the general responsibility for the proper operation of the Public Employees' Retirement System shall be vested in the board of trustees. Subject to the limitations of the law, the board shall annually establish rules and regulations for the administration and transaction of its business and for the control of the funds created by this subtitle. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

The membership of the board shall consist of the following:

a. Two trustees appointed by the Governor, who shall serve at the pleasure of the Governor and until their successors are appointed, who shall be private citizens of the State of New Jersey and who are neither an officer thereof nor active or retired members of the system.

b. The State Treasurer or the Deputy State Treasurer, when designated for that purpose by the State Treasurer.

c. Three trustees elected for a term of 3 years from among and by the member employees of the State in a manner prescribed by the board of trustees.

d. One trustee elected for a term of 3 years from among and by the member employees of counties and the same method of holding an election from time to time used for the State employees' representatives shall be followed in elections held for county representatives.

e. Two trustees elected for a term of 3 years from among and by the member employees of municipalities and the same method of holding an election from time to time used for the State employees' representatives shall be followed in elections held for municipal representatives.

A vacancy occurring in the board of trustees shall be filled by the appointment or election of a successor in the same manner as his predecessor.

Each member of the board shall, upon appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the board's affairs, and that he will not knowingly violate or willfully permit to be violated any provision of law applicable to this act. The oath shall be sub-

scribed to by the member making it, certified by the officer before whom it is taken and filed immediately in the office of the Secretary of State.

Each trustee shall be entitled to one vote in the board and a majority of all the votes of the entire board shall be necessary for a decision by the board of trustees at a meeting of the board. The board shall keep a record of all its proceedings, which shall be open to public inspection.

The members of the board shall serve without compensation but shall be reimbursed for any necessary expenditures. No employee shall suffer loss of salary or wages through the serving on the board.

The terms of office of the members of the board of trustees on the effective date of this amendatory and supplementary act shall continue for the periods for which they were appointed or elected.

The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the board of trustees for valid reason. It shall be composed of three physicians who are not eligible to participate in the retirement system. The medical board shall pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

2. This act shall take effect immediately.

Approved February 16, 1973.

CHAPTER 27

AN ACT to authorize the township of Montville, in the county of Morris to make permanent the appointment of Robert Gullone to the police department of the township of Montville.

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

Private act.

1. The township of Montville in the county of Morris is authorized to make permanent the appointment of Robert Gullone to the police

department of the township of Montville notwithstanding that the height of Robert Gullone is less than the minimum height required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. This act shall take effect upon due adoption and publication of an ordinance of the township of Montville for the purpose of adopting same.

Approved February 16, 1973.

CHAPTER 28

AN ACT to authorize the township of Holmdel in the county of Monmouth to make permanent the appointment of Howard Porter to the police department of the township of Holmdel.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Holmdel, in the county of Monmouth is authorized to make permanent the appointment of Howard Porter to the police department of the township of Holmdel notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Holmdel for the purpose of adopting same.

Approved February 16, 1973.

CHAPTER 29

AN ACT concerning county parks and supplementing chapter 37 of Title 40 of the Revised Statutes.

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

C. 40:37-11.3 Authority to invest certain funds.

1. Whenever any county park commission receives any gift of funds for park purposes, or is the recipient of any trust funds for such purposes, the commission may, in its discretion, invest and keep invested the moneys of such funds, so far as the same can be done in securities authorized by law for the investment of trust funds.

C. 40:37-11.4 Authority to invest capital improvement funds.

2. Whenever proceeds from the sale of lands, or moneys otherwise received, are required by law to be set aside by a county park commission as a capital improvement fund, the commission may, in its discretion, invest and keep invested the moneys of such funds, so far as the same can be done in securities authorized by law for the investment of trust funds.

3. This act shall take effect immediately.

Approved February 16, 1973.

CHAPTER 30

AN ACT to authorize Maple Shade township in the county of Burlington to make permanent the appointment of Benjamin W. Vickery to the police department of Maple Shade township.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, Maple Shade township in the county of Burlington

is authorized to make permanent the appointment of Benjamin W. Vickery to the police department of Maple Shade township notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of Maple Shade township for the purpose of adopting same.

Approved February 16, 1973.

CHAPTER 31

AN ACT imposing an excise tax upon savings banks, savings and loan associations and building and loan associations; defining certain words for the purpose of the act; prescribing the method of collecting the tax imposed; providing penalties for violations; and making an appropriation therefor.

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

C. 54:10D-1 Short title.

1. Short title. This act shall be known as and may be cited as "The Savings Institution Tax Act."

C. 54:10D-2 Definitions.

2. Definitions. For the purposes of this act, unless the context requires a different meaning:

a. "Director" means the Director of the Division of Taxation of the Department of Treasury, State of New Jersey.

b. "Savings institution" means any State or Federally-chartered building and loan association, savings and loan association or savings bank.

c. "Subsidiary investment" means ownership (1) of at least 80% of the total combined voting power of all classes of stock of

the subsidiary entitled to vote and (2) of at least 80% of each class, if any, of nonvoting stock.

d. "Net income" means total income from all sources, whether within or without the United States, and shall include the gain or loss derived from the employment of capital or labor, or from both combined, as well as profits gained or losses realized through sale or conversion of capital assets, less costs, bad debts, ordinary and necessary business expenses or other expenses incurred in the production of such income. For the purpose of this act, the amount of a taxpayer's net income shall be deemed *prima facie* to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its Federal income tax; provided, however, that in the determination of such net income,

(1) (a) Net income shall exclude 100% of dividends which were included in computing such taxable income for Federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 80% or more ownership of investment described in subsection c. of this section. With respect to other dividends, net income shall not include 50% of gross dividends included in computing such taxable income for Federal income tax purposes.

(b) Net income shall also exclude

(i) Interest or dividends on obligations or securities of the State of New Jersey, its political subdivisions and authorities; and

(ii) Interest or dividends on obligations of any authority, commission, instrumentality, territorial possessions of the United States which by the laws of the United States are exempt from State income taxes.

(2) In arriving at net income for purposes of this act, savings institutions shall be allowed the same deductions for bad debts as allowed in computing their Federal taxable income.

(3) Net income shall be determined without the exclusion, deduction or credit of:

(a) the amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of savings institutions;

(b) any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subsection d.(1) of this section;

(c) taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from net income as provided in subsection d.(1) of this section;

(d) net operating losses sustained during any year or period other than that covered by the report;

(4) The director may, whenever necessary to properly reflect the net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

e. "Tax year" means the calendar or fiscal year on the basis of which the taxpayer is required to report for Federal income tax purposes.

f. "Taxpayer" means savings institution, as herein defined, subject to taxation under this act.

g. "Financial business" means all business enterprise which employs moneyed capital with the object of making profit by its use as money; buying and selling exchange; making of or dealing in secured loans and/or discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, either upon the order and for the account of customers or for its own account; receiving moneys for deposit and payment of interest thereon; and all other business in which financial institutions as such generally engage in.

C. 54:10D-3 Excise tax imposed.

3. Excise tax imposed. There is hereby imposed upon every savings institution, as herein defined, for the privilege of doing a financial business, in this State, an annual excise tax, payable in the year 1973 and each year thereafter, at the rate of 5% upon its net income as of the close of its preceding tax year, but in no event less than \$50.00 for savings institutions with assets under one million dollars and no less than \$250.00 for savings institutions with assets of one million dollars or more. Such tax shall be in lieu of any State franchise tax or of any State or local taxation of, upon or measured by tangible personal property.

C. 54:10D-4 When tax payable; returns.

4. When tax payable; returns. The tax imposed by this act upon savings banks, savings and loan associations and building and loan associations, shall be due and payable with respect to any fiscal or calendar accounting years ending in 1973 and thereafter to be computed as herein provided, on a report which shall be filed on

or before the fifteenth day of the fourth month after the close of such fiscal or calendar accounting year or 105 days after the effective date of this act whichever is later. In the case of a taxpayer whose fiscal accounting period ends at any time during the calendar year 1973, its first return due under this act, shall be based upon its net income from January 1, 1973 to the end of said fiscal year, and shall be filed on or before the fifteenth day of the fourth month after the close of such fiscal year and the tax thereunder shall be due and payable at said time. Each taxpayer shall, together with the payment of tax due hereunder, duly execute and file a tax return with the director, in such form and containing such information as he may prescribe, which return shall truly and accurately set forth its liability under this act.

C. 54:10D-5 Extension of time; interest.

5. Extension of time; interest. The director may grant a reasonable extension of time for the filing of the returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax. If the time for filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate of 6% per annum from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate of 1% per month or fraction thereof to be calculated from the date the tax was originally due to the date of actual payment.

C. 54:10D-6 Receiver, trustee, etc., conducting business; liability for tax.

6. Receiver, trustee, etc., conducting business; liability for tax. Any receiver, referee, trustee, assignee or other fiduciary, or any officer or agent appointed by any court, who conducts the business of any taxpayer shall be subject to the tax imposed by this act in the same manner and to the same extent as if the business were conducted by the agents or officers of such taxpayer. A dissolved taxpayer which continues to conduct business in the process of liquidation shall also be subject to the tax imposed by this act.

C. 54:10D-7 Dissolution or liquidation of taxpayer; return and payment of tax.

7. Dissolution or liquidation of taxpayer; return and payment of tax. No taxpayer shall dissolve, consolidate, merge, transfer, liquidate or distribute any assets in dissolution, consolidation, merger or liquidation, without having first duly filed its return under this act and paid or secured the tax, interest and penalties due thereon for the preceding tax year and for the year in which such dissolution, consolidation, merger, transfer or liquidation occurs, as well as all delinquent taxes, interest and penalties then due. For the purpose of determining the tax due with respect to the year in which any such action occurs, the tax year shall be deemed to have closed on the last day of the month in which the taxpayer ceases to do business in this State; provided, that in no event shall the last day of doing business be deemed to have occurred more than thirty days prior to the filing of a duly executed tax return and the payment of the tax due as shown therein for the tax year in which such dissolution, consolidation, merger, transfer or liquidation occurs.

C. 54:10D-8 Copies of income tax returns or statements of securities for director.

8. Copies of income tax returns or statements of securities for director. The director may by general rule or by special notice require any taxpayer to submit copies or pertinent extracts of its Federal income tax returns, or of any other tax return made to any agency of the Federal Government, or of this or any other State, or of any statement or registration made pursuant to any State or Federal law pertaining to securities or securities exchange regulation, or to the regulation of the business of the taxpayer.

C. 54:10D-9 Evading tax; power of director to determine tax.

9. Evading tax; power of director to determine tax. Whenever it shall appear to the director that any agreement, understanding or arrangement exists between a taxpayer and any corporation, person or firm, for the purpose of evading tax under this act, or whereby the activity, business, receipts or net income of the taxpayer is distorted for such purpose, the director may in his discretion and in such manner as he may determine, adjust items of net income or make such other adjustments in any tax report or tax return as may be necessary for a true and correct determination of the tax pursuant to this act. The director may require any person or savings institution to submit information under oath, or to permit examination of its books, papers and documents, as may be necessary to enable him to determine the existence, nature or extent of any agreement, understanding or arrangement to which

this section relates, whether or not such person or savings institution is subject to the tax imposed by this act.

C. 54:10D-10 Lien of tax; duration.

10. Lien of tax; duration. The tax imposed by this act shall constitute a lien on all of the taxpayer's property and franchises on and after January 1 of the year next succeeding the year in which it is due and payable, and all interest, penalties, and costs of collection which thereafter fall due or accrue shall be added to and become a part of such lien. Notwithstanding the provisions of any other law, all such taxes, interest, penalties and costs heretofore or hereafter imposed or incurred, whether levied or assessed or not, under this act, shall unless sooner paid, continue and remain a lien on all of the taxpayer's property until the expiration of ten years after January 1 of the year in which they became or become due and payable, whichever shall be later, and no longer.

C. 54:10D-11 Form of return.

11. Form of return. The director shall design a form of return and forms for such additional statements or schedules as he may require to be filed therewith. Such forms shall provide for the setting forth of such facts as the director may deem necessary for the proper enforcement of this act. He shall cause a supply thereof to be printed and shall furnish appropriate blank forms to each taxpayer upon application or otherwise as he may deem necessary. Failure to receive a form shall not relieve any taxpayer from the obligation to file a return under the provisions of this act. Each such return shall be made upon the oath or affirmation of the president, vice president, or secretary or treasurer of a taxpayer and in the case of a taxpayer in liquidation or in the hands of a receiver or trustee, or where the taxpayer is an unincorporated savings institution shall be made on the oath or affirmation of the person responsible for the conduct of the affairs of such taxpayer.

C. 54:10D-12 State tax uniform procedure law applicable.

12. State tax uniform procedure law applicable. The administration, collection and enforcement of the tax imposed by this act shall be subject to the provisions of the State tax uniform procedure law as therein provided (subtitle 9 of Title 54 of the Revised Statutes).

C. 54:10D-13 Action to restrain transaction of business until tax and penalties are paid

13. Action to restrain transaction of business until tax and penalties are paid. In addition to other remedies for the collection

of the tax imposed by this act, the Attorney General with the advice of the Commissioner of Banking of New Jersey may of his own motion or upon the request of the director, whenever any tax due under this act shall have remained in arrears for a period of 3 months after the tax shall have become payable, bring an action in the Superior Court in the name of the State against the delinquent taxpayer for an order or judgment to restrain such taxpayer from the exercise of any franchise, or the transaction of any business within this State until the payment of such tax and penalties and interest due thereon, and the costs of the action to be fixed by the court. The court may proceed in the action in a summary manner or otherwise and may grant injunctive relief if a proper case appear. Upon the granting and service of the order or judgment giving injunctive relief it shall be unlawful for the enjoined taxpayer thereafter to exercise any franchise or transact any business in this State until such injunction be dissolved.

C. 54:10D-14 Director to prescribe rules.

14. Director to prescribe rules. The director shall prescribe and issue such rules and regulations, not inconsistent herewith, for the administration, interpretation and application of the provisions of this act, as he may deem necessary.

C. 54:10D-15 Change, correction or recomputation of amount of taxable income as returned to Federal Treasury Department; amended returns; report.

15. Change, correction or recomputation of amount of taxable income as returned to Federal Treasury Department; amended returns; report. If the amount of the taxable income for any year of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in said taxable income, or where a recovery of a war loss results in a computation or recomputation of any tax imposed by the United States, such taxpayer shall report such changed or corrected taxable income, or the results of such renegotiation, or such computation or recomputation, within 90 days after the final determination of such change or correction or renegotiation, or such computation or recomputation, or as required by the director, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department shall also file within 90 days thereafter an amended report with the director.

C. 54:10D-16 Deficiency assessment or reassessment; extension of period.**16. Deficiency assessment or reassessment; extension of period.**

a. After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interest due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment interest at the rate of 1% for each month or fraction thereof to be calculated from the date the tax was originally due and payable until the date of actual payment. If the director is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge in excess of the rate of $\frac{1}{2}$ of 1% per month.

b. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than five years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

17. Appropriation. There is hereby appropriated to the Division of Taxation in the Department of the Treasury the sum of \$50,000.00 or so much thereof as shall be required to carry out the provisions of this act from the effective date hereof through the period ending June 30, 1974.

C. 54:10D-17 Appeal.

18. Appeal. a. Any aggrieved taxpayer may, within 3 months after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the Division of Tax Appeals, by filing a petition of appeal with said Division of Tax Appeals in the manner and form prescribed by the said Division of Tax Appeals and on giving security, approved by the director, conditioned to pay the tax heretofore levied, if, the same remains unpaid, with interest and costs.

b. No such appeal shall stay the collection of any tax or the enforcement of the same by entry as a judgment, unless by order of the Division of Tax Appeals, and then only after security approved by the Director of the Division of Taxation, has been furnished to him. The judgment or order of the division of tax appeals respecting any matter arising under the provisions of this act may be reviewed by a proceeding in lieu of prerogative writ in the same manner as other judgments of said division.

C. 54:10D-18 Partial invalidity.

19. Partial invalidity. If any provision of this act, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of the act, which reasonably can be given effect despite the invalidity.

20. Effective date. The provisions of this act shall take effect immediately and shall be applicable with respect to taxpayers whose accounting period ends at any time during the calendar year 1973 and each fiscal or calendar year thereafter.

Approved February 16, 1973.

CHAPTER 32

AN ACT concerning public health and amending P. L. 1945, c. 192.

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

1. Section 4 of P. L. 1945, c. 192 (C. 26:3B-4) is amended to read as follows:

C. 26:3B-4 Disposition of waste matter causing pollution of stream or ocean.

4. No person, corporation or municipality shall deposit, store or allow to accumulate or provide storage facilities for human excrement, any decomposable animal or vegetable matter, domestic, factory, workshop, mill or slaughterhouse refuse, sink, laundry, milk, creamery or cheese house waste or any other polluting matter so that it gains access to any well, spring, stream, lake or other body of water, including the ocean and its estuaries, in such manner as to cause or threaten injury to any of the inhabitants of this State, either in health, comfort or property, or to cause or threaten degra-

dation of water quality resulting in damage to the aquatic community or wildlife in and adjacent to the affected water body.

2. This act shall take effect immediately.

Approved February 16, 1973.

CHAPTER 33

AN ACT to amend the "Home Repair Financing Act," approved June 9, 1960 (P. L. 1960, c. 41).

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

1. Section 7 of P. L. 1960, c. 41 (C. 17:16C-68) is amended to read as follows:

C. 17:16C-68 Payment of time balance; extension of scheduled due date; options for computing additional charge.

7. (a) Every home repair contract shall provide for the payment of the time balance in substantially equal amounts on dates separated by substantially equal payment-periods; except that the home repair contractor may defer the initial installment for a period of 60 days or for a period of 180 days on seasonal goods sold out of season; and, provided further, that when appropriate for the purpose of facilitating payment, in accordance with an owner's intermittent income, a contract may provide for payment on a schedule which reduces or omits payments over a period or periods not in excess of 93 days in any 12-month period or a contract may provide an installment schedule which reduces or omits payments over any period or periods of time during which period or periods the owner's income is reduced or suspended. When a home repair contract provides for unequal or irregular installments, the credit service charge shall not exceed the effective rate provided in section 8, having due regard for the schedule of installments.

(b) The holder of a home repair contract may extend the scheduled due date of any home repair contract and defer the scheduled due date of any or all installment payments, or reduce the amount of any or all installments and may, as a consideration therefor, make a total additional charge not to exceed the amount ascertained

under either of the following methods of computation at the respective rates indicated by the following options:

Option 1. The additional charge shall be computed on the amount of the scheduled installment or installments extended, deferred or reduced, for the period or periods for which each installment or part thereof is extended, deferred or reduced, at the rate of 1% per month.

Option 2. The holder of a home repair contract may, by written agreement, renew the entire unpaid balance owing on a home repair contract and may make a charge therefor at the rate charged in the contract so renewed, from the date of renewal to the maturity of the final installment.

(c) The unpaid balances owing on two or more home repair contracts held by the same holder may be consolidated, and the consolidated balance may be paid in such installments and over such period of time as the owner and the holder of such home repair contracts may agree upon in writing. A credit service charge may be made based upon such consolidated balance within the limits imposed by section 8.

(d) The consolidation of the unpaid balances owing on two or more home repair contracts shall be effected by an agreement in writing which shall identify the home repair contracts affected by such consolidation by reference to the dates of their execution, the names of the parties thereto, and the location of the property or properties in connection with which the goods and services were furnished pursuant to such contracts. Such agreement shall state as separate items

(1) The unpaid balance owing on each of the contracts affected by the consolidation, and the total of such balances;

(2) The amount, if any, of the charge made pursuant to subsection (d) of section 6;

(3) The official fees;

(4) The consolidated balance, which is the sum of the unpaid balances as shown pursuant to paragraph (1) of this subsection, and the amounts shown pursuant to paragraphs (2) and (3) of this subsection;

(5) The credit service charge, which shall be computed pursuant to section 8, except that such charge shall be based upon the consolidated balance as shown pursuant to paragraph (4) of this subsection, instead of upon the principal balance as provided in section 8;

(6) The time balance, which is the sum of the consolidated balance as shown pursuant to paragraph (4) of this subsection and the credit service charge, as shown pursuant to paragraph (5) of this subsection, the number of installments required, the amount of each installment, and the due dates thereof.

(e) For the purposes of this section, "unpaid balance owing" on a home repair contract means the amount which would be required to pay the contract in full if such payment were made on the day when an agreement is entered into pursuant to Option 2 of subsection (b) of this section, or a consolidation of balances is effected pursuant to paragraph (d) of this subsection. In computing the amount of the unpaid balance owing on a contract, a credit shall be allowed according to the formula provided by section 12, except that, in applying such formula, no deduction for an acquisition charge shall be taken.

2. This act shall take effect immediately.

Approved February 21, 1973.

CHAPTER 34

AN ACT to amend the "Retail Installment Sales Act of 1960," approved June 9, 1960 (P. L. 1960, c. 40).

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

1. Section 26 of P. L. 1960, chapter 40 (C. 17:16C-26) is amended to read as follows:

C. 17:16C-26 Payment of time balance in substantially equal amounts on dates separated by substantially equal payment-periods; exceptions.

26. Every retail installment contract shall provide for the payment of the time balance in substantially equal amounts on dates separated by substantially equal payment-periods; except that the retail seller may defer the initial installment for a period of 60 days or for a period of 180 days on seasonal goods sold out of season; and, provided further, that when appropriate for the purposes of facilitating payment, in accordance with a retail buyer's intermittent income, a contract may provide for payment on a schedule which reduces or omits payments over a period or periods not in excess of 93 days in any 12-month period or a contract may provide an

installment schedule which reduces or omits payments over any period or periods of time during which period or periods the retail buyer's income is reduced or suspended. When a retail installment contract provides for unequal or irregular installments, the time price differential shall not exceed the effective rate provided in section 41, having due regard for the schedule of installments. When in any retail installment contract the purchase of goods is combined with the purchase of food, the time balance on which is stated as one amount, that part of the time balance on the sale of goods shall be subject to the provisions of this section, but that part of the time balance on the purchase of food may be payable in a shorter time and added to the equal payment installment on goods.

2. This act shall take effect immediately.

Approved February 21, 1973.

CHAPTER 35

AN ACT to amend the title of "An act concerning certain deductions from the compensation of persons holding public office, position or employment, whose compensation is paid by this State or by any board, body, agency or commission thereof," approved August 15, 1967 (P. L. 1967, c. 194), so that the same shall read "An act concerning certain deductions from the compensation of persons holding public office, position or employment, whose compensation is paid by this State or by any board, body, agency, authority or commission thereof," and to amend the body of said act.

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

1. The title of P. L. 1967, c. 194 is amended to read as follows:

Title amended.

AN ACT concerning certain deductions from the compensation of persons holding public office, position or employment, whose compensation is paid by this State or by any board, body, agency, authority or commission thereof.

2. Section 1 of P. L. 1967, c. 194 (C. 52:14-15.9d) is amended to read as follows:

C. 52:14-15.9d Deductions for payment to credit union; authorization; withdrawal.

1. Whenever any person holding public office, position or employment, whose compensation is paid by this State or by any board, body, agency, authority or commission thereof, shall indicate in writing to the proper disbursing officer his desire to have any deductions made from his compensation for payment to a credit union the membership of which is limited to public employees, organized under the laws of this State or of the United States, such deductions shall be made by the State Treasurer, if such compensation is payable by the State Treasurer, or by any other disbursing officer of the board, body, agency, authority or commission, if such compensation is payable by him, and shall be transmitted to the treasurer of the credit union. Any such written authorization may be withdrawn upon filing notice of such withdrawal with the State Treasurer or such disbursing officer, as the case may be.

3. This act shall take effect immediately.

Approved February 21, 1973.

CHAPTER 36

AN ACT requiring the Attorney General to start proceedings to recover moneys taken or diverted from the State or any municipality or county within the State, and agencies thereof, by persons holding public office, position or employment.

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

C. 52:17B-5.13 Proceedings for recovery of moneys.

1. Whenever it appears that any person holding public office, position or employment in municipal, county or State Government, or any board, body, agency, authority or commission thereof, including elected and appointed persons has taken public moneys and converted them to his own use, or has used his office, position or employment to obtain moneys for himself which should have been used for the benefit of the taxpayers and citizens of this State, and has been convicted of a crime in connection therewith, the Attorney

General may start proceedings, in the State or Federal Court that he deems proper, for recovery of the moneys.

C. 52:17B-5.14 Disposition of moneys recovered.

2. Any moneys recovered by the Attorney General pursuant to section 1 of this act shall be returned to the municipality, county or State Government from which it was taken or diverted, less the actual costs of recovery.

3. This act shall take effect immediately.

Approved February 21, 1973.

CHAPTER 37

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 213 of P. L. 1948, c. 67 (C. 17:9A-213) is amended to read as follows:

C. 17:9A-213 Limitations on exercise of powers.

213. Limitations on exercise of powers.

Except as otherwise provided by law, only a banking institution shall exercise within this State any of the powers enumerated in paragraph (4) of section 24 (C. 17:9A-24), paragraphs (4), (5) and (13) of section 25 (C. 17:9A-25), and paragraphs (1) and (5) of section 26 (C. 17:9A-26), and except as otherwise provided in this section, no corporation other than a qualified bank shall exercise within this State any of the powers specified in paragraphs (3), (4), (5), (6), (7), (8) and (9) of section 28 (C. 17:9A-28), provided that no corporation organized prior to March 24, 1899, authorized to exercise all or any of the powers specified in paragraph (13) of section 25 (C. 17:9A-25) or in paragraph (3) of section 28 (C. 17:9A-28), shall be prohibited from exercising such powers, and further provided that no qualified corporation, as hereinafter defined, which was organized pursuant to the laws of this State prior to January 1, 1972, or which was authorized to transact business in this State prior to January 1, 1972, and

which was organized expressly to exercise all or any of the powers specified in paragraph (3) of section 28 (C. 17:9A-28), or in paragraph (13) of section 25 (C. 17:9A-25), shall be prohibited from exercising such powers. A qualified corporation shall mean a domestic corporation or a foreign corporation authorized to transact business in this State which (a) has such capital, surplus and undivided profits as may be fixed by the Commissioner of Banking commensurate with the nature and volume of its business; (b) has adequate vault or other safekeeping facilities for the safeguarding of stocks and other securities received, processed or otherwise held for the account of customers; and (c) is adequately insured, as may be provided by regulation, to protect its customers and the holders or transferees of securities issued by its customers.

A qualified corporation shall be subject to any regulations which may be adopted by the Commissioner of Banking and subject to examination by the Department of Banking to ensure compliance with any such regulations. The Commissioner of Banking may require such qualified corporations to file such reports as from time to time he deems necessary to enable him to determine compliance with any regulations which may be issued by him.

2. This act shall take effect immediately.

Approved February 21, 1973.

CHAPTER 38

AN ACT to amend the "New Jersey Turnpike Authority Act of 1948," approved October 27, 1948 (P. L. 1948, c. 454).

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

1. Section 3 of P. L. 1948, c. 454 (C. 27:23-3) is amended to read as follows:

C. 27:23-3 New Jersey Turnpike Authority.

3. New Jersey Turnpike Authority. (A) There is hereby established in the State Department of Transportation a body corporate and politic, with corporate succession, to be known as the "New Jersey Turnpike Authority." The authority is hereby constituted an instrumentality exercising public and essential

governmental functions, and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

(B) The New Jersey Turnpike Authority shall consist of five members, each of whom shall be a resident of the State who shall have been a qualified elector therein for a period of at least 1 year next preceding his appointment. Each member of the authority shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 5 years and shall serve until his successor is appointed and has qualified; except that of the first appointments hereunder, one shall be for a term of 2 years and one for a term of 3 years, and they shall serve until their respective successors are appointed and have qualified. The term of each of the first appointees hereunder shall be designated by the Governor. Each member of the authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the authority 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. Any vacancies in the membership of the authority 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) The Governor shall designate one of the members of the authority as chairman thereof and another member as vice chairman thereof. The chairman and vice chairman of the authority so designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The authority shall elect a secretary and a treasurer who need not be members. At the option of the authority the same person may be elected to serve both as secretary and treasurer. Three members of the authority shall constitute a quorum and the vote of three members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(D) Each member of the authority shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00 each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case

may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

(E) The members of the authority shall not receive compensation for their services as members of the authority. Each member shall be reimbursed by the authority for his actual expenses necessarily incurred in the performance of his duties.

(F) No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls for the use of any turnpike project or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and at least one of the following: the State Treasurer and the Comptroller of the Treasury. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and of no effect. The Governor may approve all or part of the action taken at such meeting prior to said 10-day period. The powers conferred in this paragraph (F) upon the Governor, the State Treasurer and the Comptroller of the Treasury shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph (F) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

2. This act shall take effect immediately.

Approved February 21, 1973.

CHAPTER 39

AN ACT to control and regulate the treatment and disposal within this State of solid and liquid waste collected outside the State, empowering the Commissioner of Environmental Protection to adopt rules and regulations, and prescribing penalties for violations.

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

C. 13:11-1 Short title.

1. This act shall be known as and may be cited as the "Waste Control Act."

C. 13:11-2 Legislature's findings.

2. The Legislature finds and determines that the volume of solid and liquid waste is rapidly increasing, that the treatment and disposal of these wastes poses a threat to the quality of the environment, that the quality of New Jersey's environment is being threatened by the treatment and disposal of wastes generated or collected outside the State; and that this hazard can be reduced by the adoption of regulations governing this practice.

C. 13:11-3 Definitions.

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

a. "Commissioner" means the Commissioner of Environmental Protection;

b. "Department" means the Department of Environmental Protection;

c. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids disposed of incident thereto;

d. "Person" means and shall include corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

C. 13:11-4 Orders, rules, and regulations.

4. a. The commissioner shall have the power to formulate and promulgate, amend and repeal orders, rules and regulations prohibiting, conditioning and controlling the incineration or landfill of solid waste and the treatment or disposal of liquid wastes within the State which originated or were collected outside the territorial limits of the State.

b. The orders, rules and regulations adopted pursuant to this section may prescribe methods for identifying the place of origin or collection of solid waste or liquid waste.

c. Except that this section shall not restrict any person from bringing garbage to be fed to swine into the State of New Jersey.

C. 13:11-5 Injunctive relief; penalties.

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

Any person who violates any of the provisions of this act or any rule, regulation or order promulgated pursuant to this act shall be liable to a penalty of not more than \$3,000.00 for each offense to be collected in a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court, County Court and county district court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

C. 13:11-6 Construction of powers and duties vested in department.

6. The powers, duties and functions vested in the department under the provisions of this act shall not be construed to limit in any manner the powers, duties and functions vested therein under any other provisions of law.

C. 13:11-7 Partial invalidity.

7. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

C. 13:11-8 Construction of act.

8. This act shall be liberally construed to effectuate the purpose and intent thereof.

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

Approved February 21, 1973.

CHAPTER 40

AN ACT to authorize the borough of Point Pleasant in the county of Ocean to make permanent the appointment of George L. Mead and Charles A. Dow to the police department of the borough of Point Pleasant.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Point Pleasant in the county of Ocean is authorized to make permanent the appointment of George L. Mead and Charles A. Dow to the police department of the borough of Point Pleasant notwithstanding their age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Point Pleasant for the purpose of adopting same.

Approved February 21, 1973.

CHAPTER 41

AN ACT relating to the definition of law enforcement officer with respect to coverage of certain public employees under the provisions of Title II of the Federal Social Security Act and amending section 1, P. L. 1955, c. 257.

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

1. Section 1 of P. L. 1955, c. 257 (C. 43:15A-97) is amended to read as follows:

C. 43:15A-97 "Law enforcement officer" defined.

1. "Law enforcement officer" shall mean any permanent and full-time employee of the State of New Jersey holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, and inspector, investigator, and administrative inspector in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer and district conservation officer in the Division of Fish and Game, and assistant chief marine police and senior marine patrolman in the Division of Resource Development, and inspector, officer, senior inspector, and principal inspector in the Division of Shell Fisheries, any permanent and full-time active county detective, lieutenant of county detectives, captain of county detectives, chief of county detectives, and county investigator in the office of the county prosecutors, and sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the office of the county sheriffs and any patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.

If the Prison Officers' Pension Fund is terminated as provided in section 10 hereof, "law enforcement officer" shall also mean any

permanent and full-time active employee of the State of New Jersey holding the title of correction officer, correction sergeant, correction lieutenant, correction captain or deputy keeper in the Division of Correction and Parole, or any member of the Prison Officers' Pension Fund on the date of such termination.

2. This act shall take effect immediately.

Approved February 27, 1973.

CHAPTER 42

AN ACT concerning certain borough officers, and amending
R. S. 40:87-15.

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

1. R. S. 40:87-15 is amended to read as follows:

Appointive officers generally; term; removal.

40:87-15. In addition to the officers to be elected there shall be appointed a clerk. In boroughs, with a population of less than 10,000, the elected tax collector may also be appointed the clerk. There may be appointed a borough treasurer, a borough attorney, a borough engineer, a borough building inspector, one or more marshals, a poundkeeper, a superintendent of highways, and such other officers as the council may deem necessary. They shall perform the duties required by law and the ordinances of the council. All of these officers, except the borough attorney, borough engineer, borough building inspector, borough poundkeeper and, in boroughs with a population of less than 2,500, the clerk and the borough treasurer, where such officeholders do not at the same time occupy a second office for which residency is required, shall be residents of the borough, and all of them shall hold office during the pleasure of the council; however, all exemptions from residency requirements shall only be made pursuant to the adoption of a municipal ordinance to that effect. No officer shall be removed without being afforded an opportunity to be heard. Unless sooner removed, however, they shall hold office for 1 year and until their successors shall have qualified.

2. This act shall take effect immediately.

Approved February 27, 1973.

CHAPTER 43

AN ACT concerning the offices of tax collector and treasurer in certain boroughs governed under the commission form of government law and supplementing chapter 73 of Title 40 of the Revised Statutes.

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

C. 40:73-9 Residency requirements for certain offices in certain boroughs; waiver.

1. In any borough governed under the commission form of government law and having a population of less than 5,000 inhabitants, any person holding the office of borough tax collector, borough treasurer or both borough tax collector and borough treasurer need not be a resident of the borough notwithstanding the residency requirements prescribed by N. J. S. 40A:9-1 or by any other law. Any waiver of residency requirements for any of the aforesaid offices shall be contingent upon the adoption of a municipal ordinance to that effect.

2. This act shall take effect immediately.

Approved February 27, 1973.

CHAPTER 44

AN ACT to supplement "An act to provide State aid to certain municipalities for the purposes of enabling such municipalities to maintain and upgrade municipal services, and making an appropriation therefor," approved March 29, 1971 (P. L. 1971, c. 64).

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

1. Those municipalities who received State aid pursuant to the provisions of P. L. 1972, c. 5, may anticipate in the municipal budget prepared for the year 1973 an amount equivalent to that which they received under section 3 of said act. The Director of the Division of Local Government Services in the Department of Com-

munity Affairs shall determine and certify the amount payable to each qualifying municipality within 5 days of the effective date of this act.

2. Within 10 days after the certification of the amount of State aid to be received pursuant to this act, the governing body of each qualifying municipality shall submit to the director a plan for the use of such aid for the purposes of maintaining, upgrading or augmenting municipal services, or for tax reduction.

3. Upon submission of each plan, the director shall certify to the State Treasurer the amount of State aid payable to each municipality pursuant to this act, which aid shall be in addition to all other aid to municipalities. The State Treasurer, upon the certification of the director and upon the warrant of the State Comptroller, shall pay and distribute, from funds appropriated therefor, to each qualifying municipality on October 1, 1973, or as soon thereafter as practicable, the amount determined and certified.

4. Notwithstanding any provisions of the Local Budget Law, any municipality qualifying for State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified to it by the director and may file such amendments or corrections in its local budget as may be required to properly reflect such amount in its budget for the year 1973.

5. This act shall take effect immediately.

Approved February 27, 1973.

CHAPTER 45

AN ACT concerning industrial homework by handicapped persons and amending the "Sheltered Workshop Act of 1971," approved July 27, 1971 (P. L. 1971, c. 272).

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

1. Section 2 of P. L. 1971, c. 272 (C. 34:16-40) is amended to read as follows:

C. 34:16-40 Definitions.

2. As used in this act:

a. "Sheltered workshop" means an occupation oriented facility operated by a nonprofit agency, public or private, which except for its staff, employs only handicapped persons;

b. "State Rehabilitation Commission" means the New Jersey Rehabilitation Commission in the Department of Labor and Industry;

c. "State Commission for the Blind" means the New Jersey Commission for the Blind in the Department of Institutions and Agencies;

d. "Extended employee" means a severely handicapped person who meets the following requirements: (1) shall have completed a prescribed workshop program; (2) shall have been found, due to the nature and severity of his disability to be incapable of competing in the open or customary labor market; and (3) shall have been in the workshop program for a period of 12 months in a nonsponsored status and certified as being an extended employee by the staff of the New Jersey Rehabilitation Commission or the New Jersey Commission for the Blind or (4) shall have been certified by the New Jersey Rehabilitation Commission or the New Jersey Commission for the Blind as an extended employee qualified to perform industrial homework under the supervision of a sheltered workshop;

e. "Extended employment program" means a program designed for those persons whose handicapped conditions fit them only for sheltered employment in a sheltered workshop or in performance of industrial homework under the supervision of a sheltered workshop, after completion of a certified program of vocational evaluation and training, or for those severely handicapped persons who were not eligible for vocational rehabilitation services under laws and regulations in effect at the date of enactment of this act and who could benefit from the provisions of this act.

2. Section 3 of P. L. 1971, c. 272 (C. 34:16-41) is amended to read as follows:

C. 34:16-41 Administration of program.

3. The State Rehabilitation Commission shall administer a program of vocational rehabilitation to an extended employee and shall plan, institute, support, and administer a program of extended employment in, or under the supervision of a sheltered workshop provided for in this act.

C. 34:16-44 Provisions not applicable to extended employment program of sheltered workshop.

3. The provisions of P. L. 1941, c. 308 (C. 34:6-136.1 et seq.) relating to the ratio of employees engaged in home work to those employed in a factory and the requirement for an employer's

permit shall not apply to an extended employment program of a sheltered workshop.

4. This act shall take effect immediately.

Approved February 27, 1973.

CHAPTER 46

AN ACT to provide State aid to certain municipalities for the purpose of upgrading and augmenting certain municipal services and programs relating to safe and clean neighborhoods.

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

C. 52:27D-108 Definitions.

1. For the purposes of this act, unless the context clearly indicates otherwise:

a. "Commissioner" means the Commissioner of the New Jersey State Department of Community Affairs;

b. "Qualifying municipality" means each municipality in the State which received State aid pursuant to an act entitled "An act to supplement 'An act to provide State aid to certain municipalities for the purposes of enabling such municipalities to maintain and upgrade municipal services and making an appropriation therefor,' approved March 29, 1971 (P. L. 1971, c. 64)," approved February 22, 1972 (P. L. 1972, c. 5).

c. "Approved program" means any program, project or municipal service approved by the commissioner pursuant to the Safe and Clean Neighborhoods Program established by section 4 of this act.

C. 52:27D-109 Short title.

2. This act shall be known as the "Safe and Clean Neighborhoods Act of 1973."

C. 52:27D-110 Apportionment of funds.

3. The funds appropriated pursuant to this act shall be apportioned among the qualifying municipalities for the purpose of enabling such municipalities to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods, including but not limited to providing additional walking

policemen and other neighborhood improvements, in the following manner:

a. in order to receive aid under this act, each qualifying municipality shall apply to the commissioner for matching funds equal in value to \$1.00 for each dollar appropriated for an approved municipal program designed to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods;

b. each qualifying municipality shall be limited in applying for matching funds equal in value to such amount as the qualifying municipality received for State urban aid in 1972 as certified by the Director of the Division of Local Government Services, or \$1,000,000.00, whichever is the lesser amount;

c. in the event that any funds remain unapportioned as certified by the commissioner after each qualifying municipality has had an opportunity to apply, there shall be established a discretionary fund, and participating municipalities may make application for such funds as still remain unapportioned as determined by the commissioner, for special, nonrecurring projects.

C. 52:27D-111 "Safe and Clean Neighborhoods Program" to be established.

4. After consultation with the Attorney General, the commissioner shall within 90 days of the effective date of this act establish a "Safe and Clean Neighborhoods Program" for the purposes of enabling qualifying municipalities to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods, including but not limited to providing additional walking policemen and other neighborhood improvements.

C. 52:27D-112 Certification and payment of funds allocable to municipality.

5. The commissioner upon the approval of each qualified municipality's application, shall forthwith certify to the State Treasurer and the chief financial officer of said municipality the amount of matching funds allocable to said municipality pursuant to this act. The State Treasurer, upon the certification of the commissioner and upon the warrant of the State Comptroller, shall pay and distribute, from funds appropriated therefor, to said municipality the amount determined and certified in its approved application.

C. 52:27D-113 Appropriation of funds by municipality.

6. Such funds as a qualifying municipality shall acquire pursuant to this act shall be appropriated by said municipality in compliance

with the "Local Budget Law," P. L. 1960, c. 169 (N. J. S. 40A:4-1 et seq.) as amended. Notwithstanding any provisions of the Local Budget Law, any municipality qualifying for State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified to it by the director and may file such amendments or corrections in its local budget as may be required to properly reflect such amount in its budget for the year 1973.

C. 52:27D-114 Rules and regulations.

7. The commissioner is hereby authorized to make and issue such rules and regulations in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) and to require such facts and information from the municipalities and any agencies thereof as he may deem necessary. Each application approved by the commissioner shall provide for the accountability of each municipality for the expenditure of funds as allocated in its approved application and performance evaluations of programs to be provided by the Department of Community Affairs in carrying out the provisions of this act.

C. 52:27D-115 Administration of act.

8. The commissioner is hereby authorized to hire, employ or assign such secretarial, clerical and other technical or professional personnel as shall be required for the purposes of providing technical assistance, conducting performance evaluations and otherwise securing the accountability of the municipalities for complying with the provisions of this act. The commissioner may, with the approval of the Director of the Division of Budget and Accounting of the Department of the Treasury, allocate from any appropriation made to implement this act not more than \$75,000.00 for the administration of this act.

C. 52:27D-116 Determination of amount of funds allocable to municipality.

9. Any determination of the commissioner pursuant to this act as to the amount of matching funds allocable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review thereof, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds.

10. This act shall take effect immediately.

Approved February 27, 1973.

CHAPTER 47

AN ACT concerning diseases of animals, and amending R. S. 4:5-10, R. S. 4:5-27, P. L. 1948, c. 436, and P. L. 1946, c. 257.

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

1. R. S. 4:5-10 is amended to read as follows:

Appraisement of and compensation for animals slaughtered; rules and regulations.

4:5-10. When animals are slaughtered or otherwise disposed of as directed in section 4:5-9 of this Title, the value of the same may, at the request of the department or any person interested, be ascertained and appraised by any authorized agent of the department, or in cases where an agreement between the agent and the owner cannot be reached, by three disinterested freeholders resident in this State, one chosen by the agent, one chosen by the owner and the third by the first two at the expense of the owner, who shall make and sign a certificate thereof, in the presence of a witness who shall attest the same.

The appraisement shall be made on the basis of the market value of the animals to be slaughtered immediately prior to the time of the discovery of the infection. Such appraisal and disposal shall be carried out under such rules and regulations as may be prescribed by the board, which may prescribe a maximum payment for any animal or animals, and may authorize the condemnation of an entire herd of animals and compensation therefor, even though all of the animals in the herd are not infected, where the secretary determines that an entire herd or flock needs to be slaughtered to control a disease or prevent its spread to other animals. The total amount receivable by the owner from the net proceeds of the sale of the animal, plus indemnity, if any, from the Federal Government, and plus the indemnity from the State, shall not, however, exceed the appraised value of the animal or animals. The board may promulgate rules and regulations to authorize payment for any disposal cost determined to be necessary.

2. R. S. 4:5-27 is amended to read as follows:

Indemnity receivable by owner of slaughtered animal.

4:5-27. For each bovine animal so killed to prevent the spread of tuberculosis, the owner shall receive the net proceeds of the sale

of the animal and in addition thereto shall, subject to the provisions of R. S. 4:5-10, be paid an indemnity based on the market value of the animal or animals to be slaughtered immediately prior to the time of the discovery of the infection, subject to the rules and regulations promulgated by the board.

3. Section 5 of P. L. 1948, c. 436 (C. 4:5-75.5) is amended to read as follows:

C. 4:5-75.5 Appraisal of animals; indemnification of owner.

5. Animals affected by or exposed to foot-and-mouth disease or any other exotic or foreign disease, shall be appraised in accordance with the provisions of R. S. 4:5-10, and the owner shall be indemnified in accordance with this Title and the rules and regulations of the board.

4. Section 12 of P. L. 1948, c. 436 (C. 4:5-75.12) is amended to read as follows:

C. 4:5-75.12 Payment of indemnity for animals killed or materials destroyed.

12. When an animal is killed or materials destroyed to prevent the spread of foot-and-mouth disease or any other exotic or foreign disease, the State shall pay to the owner an indemnity as provided in R. S. 4:5-10, subject to the rules and regulations promulgated by the board, which may provide for indemnity for materials that may need to be destroyed to control any such disease or prevent its spread.

5. Section 12 of P. L. 1946, c. 257 (C. 4:5-93.32) is amended to read as follows:

C. 4:5-93.32 Agreement as to value of condemned animals; appraisement; compensation.

12. The veterinarian making an official test, or any authorized agent of the department, may make an agreement with the owner as to the valuation of the animal condemned, based on its market value for dairy, breeding or beef purposes as of the day of appraisement, or the owner of the animal condemned may agree that the value of the animal be determined by appraisement as provided in section 14 or section 15 of this act.

For each animal slaughtered as the result of an official test under a program prescribed by the board to prevent the spread of brucellosis, the owner shall receive the net proceeds of the sale of the animal and, in addition thereto, subject to the provisions of this act and the rules and regulations of the board governing compensation for condemned animals, may be paid indemnity based on

the market value of the animal or animals to be slaughtered immediately prior to the time of the discovery of the infection, subject to the rules and regulations promulgated by the board.

6. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 48

AN ACT to establish a New Jersey American Revolution Bicentennial Celebration Commission, providing for appointment of its members and the powers and duties of the commission, and making an appropriation therefor.

WHEREAS, The American Revolution, inspired by the spirit of liberty and national independence, was an event of global significance and with a profound and lasting effect upon our Nation and all of the states which now compose the United States of America, and it is therefore fitting, for the purpose of commemorating the epochal period of 1774-1783, that a Bicentennial Celebration Commission be appointed to represent this State and to cooperate with and coordinate the efforts of other public and private organizations in New Jersey in observing the bicentennial anniversary; and

WHEREAS, The government of the United States has taken formal action, on July 4, 1966, to assure effective national observance of the two-hundredth anniversary of the founding of this Nation, through enactment of Public Law 89-491, establishing the American Revolution Bicentennial Commission to prepare and coordinate an overall national program for observing and commemorating the Bicentennial of the American Revolution; and

WHEREAS, New Jersey played a crucial role in the American Revolution and was the site of many significant political events and military battles of the Revolution; and

WHEREAS, New Jersey played a prominent role in the development of colonial America as one of the 13 original colonies and in the subsequent history of the United States; and

WHEREAS, The year 1976 marks the two-hundredth anniversary of the adoption of the New Jersey Constitution; and

WHEREAS, The physical landmarks of history are important to men and women wherever they may live, and these reminders of our heritage attract many visitors to our State, creating a positive effect on our economy; and

WHEREAS, The State of New Jersey should take steps immediately to prepare to celebrate the Bicentennial of the American Revolution and to cooperate with the national bicentennial observance in every way, to stimulate appropriate commemorative programs throughout New Jersey; now, therefore

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

C. 52:9P-1 Short title

1. This act shall be known and may be cited as the "New Jersey American Revolution Bicentennial Celebration Act."

C. 52:9P-2 New Jersey Bicentennial Celebration Commission; establishment, membership, appointment, terms, vacancies.

2. There is hereby established a New Jersey Bicentennial Celebration Commission of 22 members, as follows:

a. Two members of the Senate to be appointed by the President thereof, no more than one of whom shall be a member of the same political party;

b. Two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be a member of the same political party;

c. The Chairman of the New Jersey Historical Commission, the President of the New Jersey Historical Society, the Commissioners of Education, Environmental Protection, Community Affairs, and Labor and Industry, the Chancellor of Higher Education and the Secretary of State, or a designated representative of each thereof;

d. Ten citizens of the State to be appointed by the Governor; of the first appointees two shall be appointed for terms of 1 year, two for terms of 2 years, three for terms of 3 years and three for terms of 4 years, and their successors shall be appointed for terms of 4 years;

e. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

C. 52:9P-3 Officers; nonvoting members.

3. The Governor shall be the honorary chairman of the commission and shall designate one of the members of the commission as chairman. The Governor may appoint additional nonvoting

members of the commission, not exceeding 10 in number, to participate and assist in the work of the commission.

C. 52:9P-4 Organization.

4. The commission shall meet and organize at the call of its chairman as soon as may be following appointment of its members and may create such offices in addition to the chairman as it shall determine and elect from among its membership the persons to fill such offices.

C. 52:9P-5 Compensation.

5. Members of the commission shall serve without compensation but shall, within the limits of available funds, be entitled to reimbursement for expenses incurred in the performance of their duties.

C. 52:9P-6 Duties.

6. The duties of the commission shall include:

a. To cooperate with the American Revolution Bicentennial Commission to coordinate the commemorative activities in the State of New Jersey;

b. To formulate and recommend any additional legislation the commission determines essential to the furtherance of the bicentennial celebration in New Jersey;

c. To plan, promote and coordinate the commemorative programs and activities sponsored and supported by agencies of the State Government;

d. To assist and coordinate the overall Statewide commemorative programs developed and to be developed by counties, municipalities, bicentennial agencies and civic, veteran, and historical and other organizations;

e. To plan and arrange for an inventory of the sites, artifacts, buildings, fine and commercial arts, monuments, structures and other items and evidence appropriate for preservation, restoration or development in commemoration of the American Revolution and historical events and activities contemporary with the Revolutionary years, to ensure that fitting observances, programs and exhibitions thereof are held during the bicentennial celebration;

f. To encourage and assist in the preparation and publication of scholarly works relating to the American Revolution and contemporary historical events;

g. To encourage and solicit the cooperation of public and private colleges and universities;

h. To consult and seek the guidance of the New Jersey Historical Commission in the development of the historical aspects of bicentennial celebration programs and activities;

i. To develop appropriate expressions of observance of the bicentennial, including but not limited to determination of objectives, scheduling of events, planning of special public works, authorization of commemorative souvenirs, and overall coordination of public observance and commemoration of the celebration.

C. 52:9P-7 Meetings; reports.

7. The commission shall establish a regular schedule of meetings, schedule meetings and hearings to solicit and receive recommendations for its programs and activities and report periodically to the Governor and the Legislature on its activities and recommendations. An initial report to the Governor and the Legislature shall be made within 6 months of the organization of the commission and on each November 15 thereafter.

C. 52:9P-8 Cooperation of State agencies.

8. The commission shall be entitled to call upon any department, agency or office of the State of New Jersey for such documents, materials and information as it may deem necessary and shall be entitled to the cooperation of every department, agency and office of the State of New Jersey.

C. 52:9P-9 Executive director; appointment, compensation; employment of personnel; contracts for services.

9. The commission may appoint and fix the compensation of an executive director and, within the limits of funds appropriated or made available to it, may employ technical, administrative and other personnel and may contract for technical or special services.

C. 52:9P-10 Donations or grants of money, property or personal services.

10. The commission may accept donations or grants of money, property or personal services from any source.

11. There is hereby appropriated to the commission from the General State Fund for the fiscal year ending June 30, 1973 the sum of \$250,000.00.

C. 52:9P-11 Duration of commission.

12. The commission shall remain in existence and this act shall remain in force and effect until June 30, 1984.

13. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 49

AN ACT to amend the title of “An act to provide for the formulation and implementation by the New Jersey Historical Commission of plans to commemorate the two-hundredth anniversary of the Independence of the United States and of the first Constitution of the State of New Jersey and making an appropriation therefor, providing for an increase of the membership and clarifying the duties, powers and functions of the aforesaid commission, and amending sections 18A:73-22 and 18A:73-25 of the New Jersey Statutes,” approved July 2, 1969 (P. L. 1969, c. 126) so that the same shall read “An act to provide for the formulation and implementation by the New Jersey Historical Commission of plans to commemorate the historical aspects of the two-hundredth anniversary of the Independence of the United States and of the first Constitution of the State of New Jersey and making an appropriation therefor, providing for an increase of the membership and clarifying the duties, powers and functions of the aforesaid commission, and amending sections 18A:73-22 and 18A:73-25 of the New Jersey Statutes,” and to amend sections 1 and 2 of said act.

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

1. The title of P. L. 1969, c. 126 is amended to read as follows:

AN ACT to provide for the formulation and implementation by the New Jersey Historical Commission of plans to commemorate the historical aspects of the two-hundredth anniversary of the Independence of the United States and of the first Constitution of the State of New Jersey and making an appropriation therefor, providing for an increase of the membership and clarifying the duties, powers and functions of the aforesaid commission, and amending N. J. S. 18A:73-22 and 18A:73-25.

2. Section 1 of P. L. 1969, c. 126 is amended to read as follows:

1. This act shall be known and may be cited as the “Historical Commission Bicentennial Act.”

3. Section 2 of P. L. 1969, c. 126 is amended to read as follows:

2. (a) The New Jersey Historical Commission, hereinafter referred to as the commission, is hereby authorized and directed to formulate and implement a program for the suitable observance of the historical aspects of the two-hundredth anniversary of the Independence of the United States and of the first Constitution of this State, and shall be consulted in connection with the historical aspects of such observance by any State agency created to supervise and coordinate overall State participation therein.

(b) The said program shall be planned so as to provide enduring contributions to the preservation and interpretation of the historical heritage of the people of this State both as New Jerseyans and as Americans.

(c) The said program shall include provisions for the commission to stimulate and coordinate the historical activities of Federal, State, municipal and private organizations with respect to observance of the aforesaid anniversaries, and to cooperate with any public agencies or private organizations in planning or carrying out such activities and observances on an interstate or National level.

(d) The said program shall include such historical activities as the commission deems desirable and practicable, and may include the publication of historical documents and studies, cooperation with agencies responsible for the preservation or restoration of historic sites, buildings and objects, the arrangement of appropriate public ceremonies and the dissemination of public information relative to the purposes and activities of the commission.

4. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 50

AN ACT concerning fire patrol or protective associations and repealing chapter 9 of Title 15 of the Revised Statutes.

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

Repealer.

1. Chapter 9 of Title 15 of the Revised Statutes is repealed.

2. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 51

AN ACT concerning motor vehicles, and amending R. S. 39:3-27.

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

1. R. S. 39:3-27 is amended to read as follows:

Free registration of certain motor vehicles; expiration; transfer to another motor vehicle.

39:3-27. No fee shall be charged for the registration of motor vehicles not used for pleasure or hire, owned by the United States, the State of New Jersey, a municipality, county, Regional Air Pollution Control Agency, Passaic Valley Sewerage Commissioners, North Jersey District Water Supply Commission, a county improvement authority created under the "county improvement authorities law" (P. L. 1960, c. 183), a local school district, a regional school district, a county vocational or technical school, a duly authorized volunteer fire department, any duly recognized auxiliary or reserve police organization of any municipality, hospital, humane society, and anticruelty society in this State, New Jersey wing of the Civil Air Patrol incorporated by the Act of July 1946 (Public Law 476—79th Congress), the American Red Cross, chartered local councils in New Jersey of the Boy Scouts of America or the Girl Scouts of the United States of America or ambulances owned by nationally organized recognized veterans' organizations. These vehicles shall be registered and display number plates as provided in this subtitle or the director may, in his discretion, issue special registration certificates and special number plates for any of these motor vehicles which shall be valid for such motor vehicle until the transfer of ownership or the destruction of such motor vehicles at which time the special registration shall expire. Upon the expiration of any special registration the registration certificate and special number marker shall be returned to the director; provided, however, upon proper application to the director the special registration and special number marker may be transferred to another motor vehicle acquired by the owner to whom the special registration and marker were issued.

2. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 52

AN ACT concerning deductions of certain fees by buyers, processors or handlers of agricultural commodities from payments due members of agricultural cooperative marketing associations and remission of such fees to such associations and supplementing chapter 13 of Title 4 of the Revised Statutes.

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

C. 4:13-26.1 Deductions of certain fees by buyers, processors or handlers of agricultural commodities; disposition of fees.

1. Where any person, partnership, firm or corporation has voluntarily become a member of a nonprofit co-operative agricultural marketing association incorporated pursuant to chapter 13 of Title 4 of the Revised Statutes, and when any such member shall contract prior to harvest with any buyer, handler or processor for the sale of agricultural commodities, such member may authorize by an appropriate provision in a contract with the association or by a separate request, any such buyer, handler or processor of agricultural commodities to make deductions from moneys due such member in such amounts as may be agreed upon by the member and the association in their agreement and the buyer, handler or processor shall forward all moneys so deducted to such designated association on or before the fifteenth of the month following the month in which payment is made to the member, together with a statement showing the amount of agricultural commodities delivered by the member to buyer, handler or processor from which deductions are made. Buyers, handlers, or processors may, however, retain 5% of such deductions to cover cost of bookkeeping involved.

It shall be unlawful for any buyer, handler, or processor to fail or refuse to make such deductions and forward such payments as prescribed herein and in the event of such failure or refusal, the buyer, handler or processor shall be liable to such association in a civil action for a sum equal to the amount of the deductions, plus interest, costs, and a reasonable counsel fee.

2. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 53

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 22 of P. L. 1948, c. 67 (C. 17:9A-22)is amended to read as follows:

C. 17:9A-22 Change of principal or branch office; application, approval.

22A. Upon filing an application therefor in the department, and upon obtaining the approval of the commissioner thereto a bank or savings bank may change the location of its principal office or of a branch office to a location within the same municipality in which such principal office or such branch office is located, and may change the location of its principal office to another municipality located within the same banking district, as defined in section 19, as that in which it maintains its principal office, but not more than 30 miles distant therefrom.

B. If it shall appear from the application, or if the commissioner shall find from such proof as he may require, or from such investigation as he may cause to be made, that the area which would be served by such office after its change in location would not be substantially different from the area theretofore served by such office, he shall approve the application.

C. If it shall appear to the commissioner, from the application, or from such proof as he may require, or from such investigation as he may cause to be made, that the proposed location will be so far removed from the place then occupied by such principal office or by such branch office that the area which would be served by such office after its change in location would be substantially different from the area theretofore served by it, he shall not approve such application unless, after such investigation or hearing, or both, as the commissioner may determine to be advisable, he shall find that the interests of the public will be served to advantage by such change in location, and that conditions in the locality to which removal is proposed afford reasonable promise of successful operation.

D. No bank shall change the location of its principal office pursuant to subsection C of this section unless, following the approval

of the commissioner, it shall amend its certificate of incorporation to effect such change. No savings bank shall change the location of its principal office pursuant to subsection C of this section unless, prior to making application to the commissioner for his approval, the change in location is approved by a vote of $\frac{2}{3}$ of its board of managers then in office.

2. This act shall take effect immediately.

Approved March 2, 1973.

CHAPTER 54

AN ACT authorizing the Commissioner of the Department of Environmental Protection to acquire easements over the Appalachian Trail and enter into agreements for the maintenance thereof.

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

C. 13:8-29 Authority to acquire easements over Appalachian Trail; agreements for maintenance.

1. The Commissioner of the Department of Environmental Protection is hereby authorized to acquire by gift, purchase or appropriation, in the name of the State and in consultation with the Appalachian Trail Conference and the United States Secretary of the Interior, title to easements over, or controlled use agreements relating to, sections lying within the State of the hiking trail commonly known as the Appalachian Trail which are not in public ownership; to construct thereon suitable shelters or other facilities for use by hikers; and to enter into cooperative agreements with the conference or secretary regarding the operation, maintenance and supervision thereof.

2. This act shall take effect immediately.

Approved March 7, 1973.

CHAPTER 55

A SUPPLEMENT to "An act making appropriations for the support of State Government and for several public purposes for the fiscal year ending June 30, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

1. There is hereby appropriated out of the General State Fund, the following:

600. DEPARTMENT OF TRANSPORTATION
 63200. PUBLIC TRANSPORTATION SYSTEMS
 63201. RAILROAD AND BUS OPERATIONS

Extraordinary:

For the purpose of entering into an agreement, pursuant to section 19 of P. L. 1966, c. 301, as amended (C. 27:1A-19), with Transport of New Jersey to provide passenger bus feeder service to and from the Lindenwold High Speed Line operated by the Port Authority Transit Corporation (PATCO) for the period February 1, 1973 to June 30, 1973	\$1,250,000
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To the extent that the foregoing purpose of this appropriation is within the purview of the Transportation Benefits Tax Act, P. L. 1971, c. 222 (C. 54:8A-58 et seq.) the sum shall first be charged to the Transportation Benefits Fund established by that act.

2. This act shall take effect immediately.

Approved March 7, 1973.

CHAPTER 56

AN ACT concerning surrogates, and supplementing chapter 5 of Title 2A of the New Jersey Statutes.

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

C. 2A:5-2.1 Term of office of surrogate.

1. The commission of every newly-elected surrogate shall bear date and take effect on January 1 next succeeding his election, or if such date falls upon a Sunday, then on the following day, and the term of his office shall be 5 years.

2. Any person occupying the office of surrogate in any county of this State on the effective date of this act shall continue to hold such office until his successor has been elected and qualified.

3. This act shall take effect immediately.

Approved March 15, 1973.

CHAPTER 57

AN ACT concerning the terms of office of certain elective officers, amending N. J. S. 40A:9-83 and 40A:9-100, and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1. N. J. S. 40A:9-83 is amended to read as follows:

Term of office of register of deeds and mortgages.

40A:9-83. The register of deeds and mortgages shall be elected by the legal voters of the county for a term of 5 years. He shall be commissioned by the Governor and his commission shall be issued and bear date on January 1 next following his election, or if such date falls upon a Sunday, then on the following day.

2. N. J. S. 40A:9-100 is amended to read as follows:

Term of office of sheriff.

40A:9-100. The commission of every newly-elected sheriff shall bear date and take effect on January 1, next succeeding his election,

or if such date falls upon a Sunday, then on the following day, and the term of his office shall be 3 years.

C. 40A:9-63.1 Term of office of County Clerk.

3. The commission of every newly-elected county clerk shall bear date and take effect on January 1 next succeeding his election, or if such date falls upon a Sunday, then on the following day, and the term of his office shall be 5 years.

4. Any person occupying the office of register of deeds and mortgages, sheriff or county clerk in any county of this State on the effective date of this act shall continue to hold such office until his successor has been elected and qualified.

5. This act shall take effect immediately.

Approved March 15, 1973.

CHAPTER 58

AN ACT authorizing and directing a special State aid program to be established for the rehabilitation of certain bridges presently operated cooperatively by the counties of Hudson, Essex and Bergen and making an appropriation therefor.

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

1. The Legislature hereby finds the four bridges hereinafter enumerated, which are presently operated jointly by the counties of Hudson, Essex and Bergen, are all in excess of 60 years of age and in need of immediate major repairs to enable them to safely bear the volume and bulk of traffic which habitually utilizes such spans. The Legislature further finds that the cost of rehabilitating and repairing such bridges is far beyond the financial capacities of the counties presently maintaining such bridges, and that, therefore, considerations of public health, safety and welfare demand that there be established a program and funds for the purpose of rehabilitating said spans.

2. The Legislature, therefore, authorizes and directs the Department of Transportation of the State of New Jersey to assume the responsibility for the rehabilitation of the four bridges presently operated cooperatively by the counties of Essex, Hudson and

Bergen. The four bridges are the Jackson street, the Bridge street, and the Clay street bridges which cross the Passaic river and are operated jointly by the counties of Essex and Hudson, and the Avondale bridge which crosses the Passaic river further upstream and is jointly operated by the counties of Essex and Bergen. These bridges will at all times remain under the jurisdiction of, and continue to be maintained by, the counties which presently jointly operate them.

3. The sum of \$2,400,000.00 is hereby appropriated from the General State Fund to effectuate the provisions of this act.

4. This act shall take effect immediately.

Approved March 15, 1973.

CHAPTER 59

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the absentee voting law (P. L. 1953, c. 211) as amended, provided however that any applications received by the secretary of the board of education of the school district for military service ballots or civilian absentee ballots for such election were forwarded to the clerk of the county in which such school district is located; and provided further that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time

has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 15, 1973.

CHAPTER 60

AN ACT authorizing the Commissioner of Environmental Protection to grant financial assistance to counties and municipalities for a flood control project in and about Kettle creek in the township of Dover in Ocean county and making an appropriation therefor.

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

1. The Legislature hereby finds and declares that the south branch area in and about Kettle creek in the township of Dover in Ocean county has been subject to flooding conditions with increasing frequency and severity in recent years, that the likelihood of future floods in this area resulting in considerable damage to public and private property, and possible loss of life is great, that the welfare and safety of the residents of the area require prompt action in the form of desnagging and cleaning of Kettle creek to improve its storm flow capacity and thereby reduce the likelihood of flooding in such area, and that it is important and in the public interest that the Legislature encourage and assist local governments in eliminating this serious flood hazard through financial assistance.

2. The Commissioner of Environmental Protection is hereby authorized to expend any moneys herein or hereafter appropriated to grant financial assistance to any municipality or county involved in a flood control project approved by the commissioner in desnagging and cleaning the south branch of Kettle creek in the township of Dover in Ocean county. The commissioner shall prescribe the procedures to be followed and specify the forms to be used in applying for the financial assistance authorized by this act. The amount of financial assistance granted to any municipality or county pursuant to this act shall not be in excess of 50% of the cost to the county or municipality for participation in the flood control project, and the total amount of financial assistance granted

to all municipalities and counties pursuant to this act shall not be in excess of 50% of the total cost of the flood control project.

3. There is hereby appropriated to the Department of Environmental Protection \$50,000.00 for the purposes of this act.

4. This act shall take effect immediately.

Approved March 21, 1973.

CHAPTER 61

AN ACT concerning the salaries of surrogates and supplementing chapter 5 of Title 2A of the New Jersey Statutes.

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

C. 2A:5-3.9 Salaries of surrogates.

1. The board of chosen freeholders in each county, by resolution, may fix the salary of the surrogate as follows:

In counties having a population in excess of 600,000, not less than \$12,000.00 or more than \$24,000.00 per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than \$12,000.00 or more than \$21,000.00 per annum;

In counties having a population in excess of 200,000, but not more than 400,000, not less than \$10,000.00 or more than \$18,000.00 per annum;

In counties having a population of 200,000 or less, not less than \$5,000.00 or more than \$15,000.00 per annum.

Nothing in this act shall authorize the fixing of the salary of any person holding the office of surrogate at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this act authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same manner as county officers and employees are paid.

2. This act shall take effect immediately and shall be retroactive to July 1, 1971.

Approved March 22, 1973.

CHAPTER 62

AN ACT concerning education of handicapped children and amending N. J. S. 18A:46-13.

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

1. N. J. S. 18A:46-13 is amended to read as follows:

Facilities to be furnished.

18A:46-13. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as handicapped under this chapter except those so mentally retarded as to be neither educable or trainable. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

A board of education is not required to provide any further educational program for children who have been admitted to the Marie H. Katzenbach School for the Deaf but shall be required to furnish necessary daily transportation Monday through Friday to and from the school for nonboarding pupils when such transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State board shall promulgate for such transportation. Any special education facility or program authorized and provided for a child attaining age 20 during a school year shall be continued for the remainder of that school year.

2. This act shall take effect immediately.

Approved March 22, 1973.

CHAPTER 63

A SUPPLEMENT to "An act for the establishment of a police and fire men's retirement system for the police and firemen of a municipality, county, or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

C. 43:16A-11.4 Reenrollment in Police and Firemen's Retirement System; purchase of previous membership service credit.

1. If an employee who has withdrawn his aggregate contributions from the Police and Firemen's Retirement System, as provided by section 11 of P. L. 1944, c. 255 (C. 43:16A-11) is reenrolled as a member of the retirement system, he may purchase credit for all of his previous membership service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase, to his salary, at that time. Such purchase may be made in regular installments, equal to at least $\frac{1}{2}$ the normal contribution to the retirement system, over a maximum period of 10 years. In order to give to such person the same credit for such service as he had at the time of withdrawal, the pension credit shall be restored as it was at the time of his withdrawal upon the completion of 1 year of membership after his election to make the purchase and the payment of at least $\frac{1}{2}$ the total amount due, except that in the case of retirement pursuant to section 5 of P. L. 1944, c. 255 (C. 43:16A-5) and sections 16 and 17 of P. L. 1964, c. 241 (C. 43:16A-11.1 and 43:16A-11.2), the credit granted for the service being purchased shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation.

C. 43:16A-11.5 Application of act.

2. This act shall apply to any such employee reenrolled prior to or after the effective date of this act.

3. This act shall take effect immediately.

Approved March 22, 1973.

CHAPTER 64

AN ACT to amend "An act creating and establishing in the Division of Parks, Forestry and Recreation a Natural Lands Trust, prescribing its functions, powers and duties, and making an appropriation," approved January 23, 1969 (P. L. 1968, c. 425) and making an appropriation.

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

1. Section 1 of P. L. 1968, c. 425 (C. 13:1B-15.119) is amended to read as follows:

C. 13:1B-15.119 New Jersey Natural Lands Trust established.

1. There is hereby created and established in the Division of parks, Forestry and Recreation of the Department of Environmental Protection, a body corporate and politic with corporate succession, to be known as the New Jersey Natural Lands Trust. The trust is hereby constituted an instrumentality exercising public and essential government functions and the exercise by the trust of the powers conferred by this act shall be deemed and held to be an essential government function of the State.

2. Section 2 of P. L. 1968, c. 425 (C. 13:1B-15.120) is amended to read as follows:

C. 13:1B-15.120 Board of Trustees; membership, appointment, terms, chairman; concurrence of six members.

2. The powers and duties of the trust shall vest in and be exercised by a board of 11 trustees comprised initially of the six members of the Natural Areas Council, who shall serve for terms co-extensive with their respective terms on the council, and shall be succeeded by trustees appointed by the Governor from a list of candidates nominated by a nominating committee provided by a group of nonprofit New Jersey corporations having open space preservation or environmental education as their corporate purpose, such as North Jersey Conservation Foundation, New Jersey Audubon Society, Rutgers, The State University, New Jersey Federation of Women's Clubs, Conservation and Garden Department, New Jersey Federation of Garden Clubs, and Watershed Associations incorporated in the State of New Jersey. Organizations must apply to the trustees in order to provide one member to the nominating committee. The trustees thus appointed will serve for 3-year terms, each of whom will continue to serve until succeeded. The remaining trustees shall be: a member of the State House Commission designated by the Governor, and by virtue of their offices, the State Treasurer, the Commissioner of the Department of Environmental Protection and two members of the staff of the Department of Environmental Protection designated by the commissioner, or their respective representatives.

The Chairman of the Board of Trustees of the Natural Lands Trust shall be elected by the trustees.

The concurrence of six members of the board shall be necessary to the validity of all acts of the board. At least one member of this majority must be an official of the State Government represented on the board.

3. Section 4 of P. L. 1968, c. 425 (C. 13:1B-15.122) is amended to read as follows:

C. 13:1B-15.122 General powers.

4. The New Jersey Natural Lands Trust shall have the power:

- (a) To sue and be sued in its own name, but the trustees shall be held harmless for acts performed in good faith;
- (b) To adopt a seal and alter the same at pleasure;
- (c) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (d) To maintain an office or offices at such a place or places within the State as it may designate;
- (e) To appoint such officers, who need not be members of the trust, in addition to a secretary and a treasurer, as the trust shall deem advisable, and to employ such other employees and agents as may be necessary or desirable in its judgment, to fix their compensation, and to promote and discharge such officers, employees and agents all without regard to the provision of Title 11, Civil Service, of the Revised Statutes;
- (f) To acquire in the name of the trust, hold and dispose of personal property and lands in the exercise of its powers and the performance of its duties under this act;
- (g) To apply for and accept any grant of money from the Federal Government, subject to the approval of the Commissioner of the Department of Environmental Protection, which might be or may become available for programs relating to natural areas preservation, research, or interpretation, and to subscribe to and comply with any rule or regulation made by the Federal Government with respect to the application of such a grant, and to enter into and perform any contract or agreement with respect to the application of such a grant;
- (h) To make, enter into and perform all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;
- (i) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act;
- (j) To hold and use all lands in said trust for educational and research purposes.

4. Section 5 of P. L. 1968, c. 425 (C. 13:1B-15.123) is amended to read as follows:

C. 13:1B-15.123 Particular powers.

5. The trust shall have power in particular:

(a) To accept gifts, legacies, bequests and endowments for any purpose which falls within that of the trust and, unless otherwise specified by the person making such a gift, legacy, bequest and endowment of money in furtherance of the trust, to invest the same in whole or in part in general obligations of the State of New Jersey;

(b) To acquire and hold real and personal property and lands significant as natural areas by gift, purchase, devise, bequest or by any other means and to preserve, interpret and administer such properties; in the acquisition of such properties, to acquire properties deemed necessary for the proper use and administration of natural areas property;

(c) To apply all moneys, assets, property or other things of value it may receive as an incident to its operation to the general purpose of the trust;

(d) To cooperate with and assist, insofar as practicable, any agency of the State or any of its political subdivisions, and any private agency or person in furtherance of the purposes of the trust;

(e) To give any moneys or property held by the trust to the Commissioner of the Department of Environmental Protection on behalf of the State, for the purpose of administering, operating or maintaining the natural areas programs of the State of New Jersey.

5. Section 7 of P. L. 1968, c. 425 (C. 13:1B-15.125) is amended to read as follows:

C. 13:1B-15.125 Incurrence of financial obligations.

7. The trust may not hold, receive or accept any moneys or other property, real or personal, tangible or intangible which will result in the incurrence of any financial obligations on the part of the State of New Jersey, without express approval of the Commissioner of the Department of Environmental Protection or the Legislature.

6. There is hereby appropriated to the Department of Environmental Protection for the purposes of this act the sum of \$9,500.00.

7. This act shall take effect immediately.

Approved March 22, 1973.

CHAPTER 65

AN ACT concerning motor vehicles and amending R. S. 39:3-18.

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

1. R. S. 39:3-18 is amended to read as follows:

General registration; plates; manufacturers; converters; dealers; financing or loan money; insurers; transporting; renting or leasing; nonconventional vehicles; auctioneers; fees.

39:3-18. A manufacturer of motor vehicles, motor-drawn vehicles, motor vehicle bodies or motor cycles doing business in this State may, with regard to motor or motor-drawn vehicles or cycles owned or controlled by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any vehicle or cycle owned or controlled by such manufacturer, but only if it is operated only for shop, demonstration or delivery purposes.

A bona fide converter of commercial motor vehicles, motor-drawn vehicle or motor vehicle chassis doing business in this State may, with regard to motor or motor-drawn vehicles owned or controlled by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any vehicles owned or controlled by such converter, but only if such vehicles are operated for shop, demonstration or delivery purposes.

A bona fide dealer in motor vehicles, motor-drawn vehicles or motor cycles doing business in this State and having a license to do business as such issued by the director may, with regard to motor or motor-drawn vehicles or cycles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates shall only be placed on any vehicle or cycle owned by such dealer; and provided, such vehicle is not used for hire. Any person who shall be convicted of a violation of this paragraph shall be subject to a fine not exceeding \$100.00.

Any person engaged in the business of financing the purchase of motor or motor-drawn vehicles or lending money thereon may, with regard to motor or motor-drawn vehicles owned or controlled

by him obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any such vehicle only when it is being transported from the place where it has been kept by the purchaser or borrower to the place where it is to be kept by the reposessor, or when the reposessor desires to operate it for the purpose of demonstration for sale.

Any corporation engaged in the business of insuring motor vehicles or motor-drawn vehicles against theft may, with regard to vehicles owned or controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any such vehicle, if ownership or control thereof has been obtained by virtue of the terms of an insurance against theft contract made by such corporation, and only when the vehicle is to be transported for delivery to the owner thereof from the place where it has been abandoned by or seized from a thief.

Any person, partnership or corporation engaged in the business of transporting motor or motor-drawn vehicles from the place of manufacture for delivery to dealers, may, with regard to such vehicles, obtain general registration and registration plates therefor of the kind and style provided for in this subtitle, with the word "temporary" stated thereon, but only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of any automobile accident and satisfactory evidence of such responsibility has been filed with him.

Any person engaged in the business of renting or leasing motor vehicles or motor-drawn vehicles may with regard to said motor vehicles or motor-drawn vehicles owned by him, obtain general registration and registration plates therefor, provided for in this subtitle, with the word "temporary" stated thereon. Said registration plates may be placed on any motor vehicle or motor-drawn vehicle owned by such person while said vehicle is not individually registered and not in use as a rented or leased vehicle.

A bona fide dealer in "nonconventional" type motor vehicles, as defined in R. S. 39:10-2, who has an established place of business in this State, may, with regard to "nonconventional" type motor vehicles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on

any "nonconventional" type motor vehicle by such dealer, but only if such "nonconventional" type motor vehicle is operated only for shop, demonstration or delivery purposes.

Any person, partnership or corporation engaged in the business of conducting a wholesale automobile auction block in this State for duly licensed dealers only, at least once each week, may, with regard to vehicles controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle with the word "temporary" stated thereon. Such plates can be placed on any vehicle controlled by the auction block which is to be transported from the place where stored by the owner to the auction block. Such plates may not be displayed on a vehicle sold at the auction block for delivery to the purchaser. Application for such plates shall be approved only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of any automobile accident and satisfactory proof of such responsibility has been filed with him.

Registration plates issued pursuant to this section shall be a single plate and shall be issued in sets of five and shall bear the letter "D" or the word "temporary" and shall bear a number corresponding to the number on the certificate of registration. The single registration plate shall be displayed in accordance with the provisions of R. S. 39:3-33.

The annual fee for the issuance of a certificate of registration, four duplicates thereof and one set of five single "D" or "temporary" plates bearing a number corresponding to the number on the certificate of registration shall be \$100.00; but the annual fee for the issuance of a certificate of registration for motorcycles, two duplicates thereof and one set of three single "D" plates bearing a number on the certificate of registration shall be \$20.00.

2. This act shall take effect immediately.

Approved March 22, 1973.

CHAPTER 66

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, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

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

DEPARTMENT OF AGRICULTURE

41101-300-100-501. INDEMNITIES, HOG CHOLERA ERADICATION

Extraordinary:

Indemnities—Hog cholera eradication\$200,000

2. This act shall take effect immediately.

Approved March 22, 1973.

CHAPTER 67

AN ACT authorizing certain municipalities to provide certain transportation services to senior citizens at reduced rates and to make appropriations therefor.

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

C. 40:48-4.1 Declaration of policy.

1. The Legislature hereby finds and declares that:

a. Because of their economic situation, many senior citizens' basic local transportation needs are unmet.

b. By the enactment of P. L. 1969, c. 275, the Legislature declared it to be in the public interest that transportation services be made available to senior citizens at reduced fares.

c. Because of the financial difficulties experienced by public transportation carriers, the program authorized by the 1969 legislation has not been implemented.

d. Since a reduced fare program will greatly enhance the ability of senior citizens to travel about economically, safely and efficiently, and the resulting increased utilization of transportation facilities will permit carriers to maintain and upgrade their services, such a program must be encouraged and supported with public assistance.

e. In view of the local nature of such a program, its administration and financing can be most effectively handled on the municipal level.

C. 40:48-4.2 Definitions.

2. As used in this act, unless the context indicates a different meaning:

a. "Motor bus carrier" means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers operating motor buses on established routes in this State or between points in this State.

b. "Off-peak times" means the hours from 10 a.m. to 4 p.m. and from 7 p.m. to 12 midnight during the weekdays, Monday through Friday, and all day on Saturdays, Sundays and holidays.

c. "Gross income" means all income from whatever source derived, including, but not limited to, realized capital gains and, in their entirety, pension, annuity, retirement and social security benefits.

d. "Senior citizen" means any male of the age of 65 years or more and any female of the age of 62 years or more having an annual gross income not in excess of \$5,000.00 per year.

C. 40:48-4.3 Authority to contract with motor bus carrier to provide passenger service for senior citizens.

3. The governing body of any municipality having a population of more than 250,000 and less than 300,000 may enter into contracts with any motor bus carrier to provide passenger service for senior citizens who are residents of such municipality on the established motor bus routes of said carriers within such municipality at rates not to exceed one-half of the usual and ordinary fare for such service during off-peak times.

C. 40:48-4.4 Provisions to be included in contract.

4. Each contract entered into in accordance with the provisions of this act shall contain conditions, terms and provisions as the municipality may require including, but not limited to, provisions relating to:

a. The method of providing reduced fares for senior citizens;

b. The method of accounting for the level of service rendered to determine the amount to be paid to the motor bus carrier;

c. The procedure for determining the eligibility of persons to receive reduced fares as provided for in this act which shall include provision for issuance of identification cards to eligible senior citizens by the municipality in the form and manner and at such places as the municipality shall prescribe;

d. Auditing and settlement of payment;

e. Such other matters as the municipality deems to be in the public interest.

C. 40:48-4.5 Contract as obligation of municipality.

5. Each contract entered into in accordance with the provisions of this act shall obligate the municipality to pay to the motor bus carrier an amount not to exceed one-half of the total amount of the usual and ordinary fares for all such passenger service rendered provided the carrier has complied with the contract in all other respects to the satisfaction of the municipality.

C. 40:48-4.6 Rules and regulations.

6. In order to carry out the purposes of this act, the municipality may make such reasonable rules and regulations as they may deem necessary which shall have the force and effect of law, and may investigate any matters relative to the passenger service contracted for under this act and in aid of such investigation the municipality shall have access to and the motor bus carrier shall make available its property, books, records, or documents.

C. 40:48-4.7 Financing of contracts.

7. The governing body of any municipality having a population of more than 250,000 and less than 300,000 which enters into such contracts may make appropriations from its own revenue sources and may apply for and receive grants from any Federal, State and private source for the financing of such contracts.

C. 40:48-4.8 Contracts not subject to regulation by and jurisdiction of Board of Public Utility Commissioners.

8. Notwithstanding the provisions of any other law of this State to the contrary, contracts for passenger service for senior citizens pursuant to this act and the amount of reduced fares thereunder shall not be subject to regulation by and the jurisdiction of the Board of Public Utility Commissioners, and such service and reduced fares shall not be considered unjust, unreasonable, or unduly preferential to any person or particular description of traffic.

9. This act shall take effect immediately.

Approved March 22, 1973.

CHAPTER 68

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, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

1. The following sum is hereby appropriated out of the General Treasury for the purpose specified:

DEPARTMENT OF TRANSPORTATION

63200. PUBLIC TRANSPORTATION FACILITIES

Extraordinary:

Passenger service subsidies, pursuant to	
C. 27:1A-15 et seq.	\$4,600,000

2. This act shall take effect immediately.

Approved April 10, 1973.

CHAPTER 69

AN ACT concerning appeals to a county board of taxation under certain circumstances, and amending and supplementing Title 54 of the Revised Statutes.

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

C. 54:3-21.4 Extension of time for appeal; conditions.

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, a county board of taxation may, upon the written application of the taxpayer and the approval of the Director of the Division of Taxation, extend the time for appeal provided in R. S. 54:3-21 for any taxpayer feeling aggrieved by the assessed valuation of his property, or feeling that he is discriminated against by the assessed valuation of other property in the county, whenever a local taxing district fails, for any reason, to mail or otherwise deliver a tax bill to such taxpayer before July 15. When the collector of the taxing district informs the county board of taxation that a tax bill was mailed or otherwise delivered to the taxpayer before July 15, the county board shall determine whether the taxing district failed to send a tax bill to the taxpayer only after providing the collector and the taxpayer a reasonable opportunity to submit sworn statements regarding the sending and receipt of the tax bill.

C. 54:3-21.5 Authority to approve extension; limitation; rules and regulations.

2. The Director of the Division of Taxation is hereby empowered to approve reasonable extensions of time for appeal by an aggrieved taxpayer to a county board of taxation in any instance within the purview of section 1 of this act; provided, however, that no such extension shall be for more than 30 days from the date otherwise provided by law. The director is further empowered to adopt and promulgate all rules and regulations necessary to effectuate the purposes of this act.

3. R. S. 54:4-64 is amended to read as follows:

Delivery of tax bills.

54:4-64. As soon as the tax duplicate is delivered to the collector of the taxing district, as provided in section 54:4-55 of this Title, he shall at once begin the work of preparing, completing, mailing or otherwise delivering tax bills to the individuals assessed, and shall complete that work at least 2 months before the third installment of taxes falls due. He shall also, at least 2 months before the first installment of taxes for the year falls due, prepare and mail, or otherwise deliver to the individuals assessed, a tax bill for such following first and second installments, computed as hereinafter provided at one-half of the complete tax last previously levied. When any individual assessed has authorized the collector to mail or otherwise deliver his tax bill to a mortgagee or any other agent, the collector shall, at the same time, mail or otherwise deliver a duplicate tax bill to the individual assessed and shall print across the face of such duplicate tax bill the following inscription: "This is not a bill—for advice only." The validity of any tax or assessment, or the time at which it shall be payable, shall not be affected by the failure of a taxpayer to receive a tax bill, but every taxpayer is put upon notice to ascertain from the proper official of the taxing district the amount which may be due for taxes or assessments against him or his property.

4. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 70

AN ACT to amend "An act concerning mortgages and supplementing Title 46 of the Revised Statutes," approved February 19, 1969 (P. L. 1968, c. 443).

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

1. Section 1 of P. L. 1968, c. 443 (C. 46:15-12) is amended to read as follows:

C. 46:15-12 Recording of mortgages.

1. No mortgage or defeasible deed or conveyance in the nature of a mortgage may be recorded or registered in the office of the county recording officer of the county in which the affected real estate is situate, unless there is contained at the heading thereof printed, typed or stamped prominently and in 10-point, or larger, capital letters or bold type the word "mortgage" and the execution of the same shall have been acknowledged or proved and certified in the manner prescribed by law, and there shall be included in the acknowledgment or endorsed thereon a statement by the mortgagor declaring that the mortgagor has received a true copy of such instrument.

The mortgagee shall provide, without charge, a true copy of such instrument to the mortgagor, which shall be certified by the mortgagee or the attorney for the mortgagee as a true copy of said instrument. Said copy shall be distinctly stamped or marked "copy".

2. This act shall take effect on the first day of the third month following enactment and shall apply to instruments executed after the effective date.

Approved April 11, 1973.

CHAPTER 71

AN ACT concerning the conduct of school elections and supplementing article 2 of chapter 14 of Title 18A of the New Jersey Statutes.

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

C. 18A:14-4a Display of flag at entrance of polling place.

1. A United States flag, approximately 3 feet by 5 feet in size, shall be displayed at the outside entrance of each polling place during the hours of the conduct of an annual or special school

election; except that, when more than one polling place is located in the same building the prominent display of one such flag at the outside entrance used in common to reach more than one polling place shall comply with the provisions of this act. Flags furnished by county clerks to municipal clerks for similar display at other elections shall be made available to secretaries of boards of education for the purposes of this act.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 72

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 69 of P. L. 1948, c. 67 (C. 17:9A-69) is amended to read as follows:

C. 17:9A-69 Limitations on mortgage loans.

69. Limitations on mortgage loans.

A. No bank shall make a mortgage loan when the total cost of acquisition by the bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of a paragraph (5) of section 24, and the total of all principal balances owing to the bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceed, or by the making of such loan will exceed, an amount established by the Commissioner of Banking, pursuant to rule or regulation, which amount shall not be less than 70% nor exceed 80% of the time deposits of the bank or 100% of the aggregate of its capital funds, whichever is the greater. For the purposes of this subsection, principal balances owing to the bank on mortgage loans which are subject to the provisions of subsection A of section 68, other than mortgage loans upon one-family, two-family, three-family and four-family dwellings, the payment of which is fully insured by the Federal Housing Commissioner, shall only to the extent of $66\frac{2}{3}\%$ of such balances

owing to the bank, be included in the total of all principal balances owing to the bank on mortgage loans, and principal balances owing to the bank on mortgage loans upon one-family, two-family, three-family and four-family dwellings the payment of which is fully insured by the Federal Housing Commissioner shall, only to the extent of 50% of such balances owing to the bank, be included in the total of all principal balances owing to the bank on mortgage loans. This subsection shall not, however, prevent the renewal or extension of the time for payment of a mortgage loan for the amount due thereon at the time of such renewal or extension.

B. Except as in this article otherwise provided, no bank shall, as sole lender or as a colender, make a loan secured by mortgage on real property or by mortgage on a lease of the fee of real property, nor shall any bank purchase the entire interest or a part interest in any such mortgage, if the making of such loan or the purchase of such interest would cause the total of all unpaid balances secured by a mortgage or mortgages held by the bank as sole owner or as co-owner upon such real property or such leasehold, to exceed the limitations imposed by this article upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

C. The granting of mortgage loans to any person shall be without regard to race, creed, color, national origin or ancestry. The granting of such loans shall be without discrimination of any nature including, but not limited to, interest rates, terms and duration, because of race, creed, color, national origin or ancestry.

D. When a bank makes a mortgage loan the proceeds of which are to be used to pay, in whole or in part, the cost of constructing one or more industrial or commercial buildings on the mortgaged property, and such loan has a maturity of not more than 18 months, and a financially responsible lender has entered into a valid and binding agreement to repay to the bank the full amount of the bank's loan upon the completion of such industrial or commercial building or buildings; or when a bank makes a mortgage loan the proceeds of which are to be used to pay, in whole or in part, the cost of constructing a farm or residential building on the mortgaged property, and such loan has a maturity of not more than 18 months, the bank may, at its option to be exercised from time to time, treat any such loan either as a mortgage loan for all purposes of this article, or as an unsecured commercial loan. If the bank elects to treat any such loan as an unsecured commercial loan, the loan shall be subject to all limitations and requirements

applicable to unsecured commercial loans otherwise made, and the principal balance owing to the bank on any such loan shall not be included in the total of all principal balances owing to the bank on mortgage loans for the purpose of determining the limitations imposed by subsection A of this section. No bank shall treat any such loan as a commercial loan as in this subsection provided at any time when the principal balances owing to the bank on all such loans so treated exceed 100% of the bank's capital funds, or if the making of any such loan so treated would cause the principal balances owing to the bank on all such loans so treated to exceed 100% of the bank's capital funds.

E. For the purposes of this section, "capital funds" of a bank means the aggregate of the unimpaired capital stock, surplus and undivided profits of the bank.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 73

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 184 of P. L. 1948, c. 67 (C. 17:9A-184) is amended to read as follows:

C. 17:9A-184 Deposits; maximum and minimum amounts.

184. A. Subject to paragraph C. of this section, a savings bank may receive on deposit any sum of money which may be offered for that purpose.

B. A savings bank may (1) subject to paragraph C. of this section, limit to any sum it deems expedient, the aggregate amount which any one depositor may deposit, and (2) fix the minimum amount of any deposit which it will receive at not over \$10.00, and (3) refuse to receive a deposit, and (4) return all or any part of any deposit at any time.

C. A savings bank may receive any deposit to the credit of a depositor, if the aggregate of the balances of all accounts of such depositor does not exceed, or as a result of receiving such deposit

would not exceed \$150,000.00, and a savings bank may receive additional deposits from such depositor if made:

(a) Pursuant to the order or direction of any court of record or officer of any such court,

(b) To the credit of any governmental, State, county, municipal or other public authority, body, board, officer or agent.

(c) To the credit of any religious, charitable, cemetery, educational, benevolent or other corporation, association, organization or society established or existing for any lawful purpose other than for pecuniary profit, or

(d) To the credit of any unincorporated or incorporated labor union, welfare, strike, benefit or insurance fund, any foundation created by will or otherwise, or any profit sharing, welfare or pension fund or employee thrift fund created jointly or individually by any person, firm or corporation,

(e) Pursuant to regulations from time to time promulgated by the commissioner.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 74

AN ACT concerning the State Department of Health and amending
R. S. 26:4-47.

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

1. R. S. 26:4-47 is amended to read as follows:

Authority to provide services and materials; fees.

26:4-47. The State Department of Health may:

a. Provide appropriate laboratory services for the diagnosis of sexually-transmitted diseases;

b. Provide antibiotics and other appropriate drugs and biologicals for the treatment and prevention of sexually-transmitted diseases.

c. (Deleted by amendment.)

d. (Deleted by amendment.)

The Commissioner of Health may promulgate rules and regulations pertaining to payment for services and materials provided by

the department hereunder, including a schedule of fees for such services and materials, consistent with the promotion of public health and the prevention of disease within the State.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 75

AN ACT authorizing a loan to the New Jersey State Area Redevelopment Fund pursuant to the provisions of chapter 37 of Title 2A of the New Jersey Statutes.

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

C. 2A:37-41.2 Loan of moneys in separate fund to New Jersey State Area Redevelopment Fund.

1. From the fund established by N. J. S. 2A:37-41, the State Treasurer is hereby authorized to lend the New Jersey State Area Redevelopment Fund an additional sum not exceeding \$500,000.00 to carry out the purposes of chapter 204 of the laws of 1962 (C. 13:1B-15.13 et seq.). Any such loan shall be repaid in not more than 30 years and shall bear interest at the same rate charged to borrowers from the New Jersey State Area Redevelopment Fund by the New Jersey Area Redevelopment Authority.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 76

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

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

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

Number of judges; compensation.

2A:2-1. The Superior Court shall consist of not less than 102 judges. Each judge shall receive such annual salary as shall be fixed by law.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 77

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, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

1. The following sum is hereby appropriated out of the General Treasury for the purpose specified:

DEPARTMENT OF HEALTH

23101-360-100. DIVISION OF HEALTH CARE FACILITIES

To implement the provisions of P. L. 1971, chapters 136 and 138, "Health Care Facilities Planning Act" by providing funds to the Division of Health Care Facilities to carry out the purposes of said act \$207,313

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 78

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

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

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

Number of judges; compensation.

2A:2-1. The Superior Court shall consist of not less than 120 judges. Each judge shall receive such annual salary as shall be fixed by law.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 79

AN ACT providing for a summer intern program in water pollution control in the Department of Environmental Protection.

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

C. 13:1D-20 Declaration of policy.

1. The Legislature finds and declares that it is a goal of the State to eliminate all pollution and polluting substances from the State's waters. The Legislature further declares that college students can make a major contribution to cleaning the State's waters by working toward this goal during the summer months.

C. 13:1D-21 Establishment of a Summer Intern Program in Water Pollution Control.

2. There is hereby established a Summer Intern Program in Water Pollution Control.

C. 13:1D-22 Administration of program.

3. The Summer Intern Program shall be administered by the Director of the Division of Water Resources in the Department of Environmental Protection. The director may delegate day-to-day supervision of one or more interns to someone else in the Division of Water Resources or to someone in the office of a county engineer or a county health officer.

C. 13:1D-23 Projects.

4. Interns shall be assigned to projects such as a. making surveys of all places where polluting materials are entering streams, b. providing water sampling and monitoring activities as directed, c. desnagging and removing debris, bushes, boards, tires and other materials, and d. performing any other projects designed to carry out the intent of this act.

C. 13:1D-24 Qualifications of interns.

5. Any resident of New Jersey who is enrolled full-time as an undergraduate or graduate in any college or university and plans to continue his education after the internship may apply as an intern. An applicant must have completed his freshman year before beginning an internship, and may not serve as an intern after his final year of schooling.

C. 13:1D-25 Interview of intern.

6. The director or a member of his staff delegated by him shall interview each student to corroborate the student's intentions and to verify his prospective capabilities.

C. 13:1D-26 Evaluation by prospective supervisor of intern.

7. The director or a member of his staff delegated by him shall evaluate any prospective supervisor of an intern to determine if he is a competent professional who will seriously plan the internship and utilize the intern to help reduce water pollution.

C. 13:1D-27 Selection and assignment of interns.

8. Interns shall be chosen from every county and shall be assigned to work on water pollution control projects in every county.

C. 13:1D-28 Payment of interns.

9. Interns shall be paid by the department, based on the regular civil service pay scale for student assistants.

10. There is hereby appropriated to the Department of Environmental Protection the sum of \$100,000.00 for the purpose of administering this program during the summer of 1973.

11. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 80

AN ACT concerning certain municipal leases and amending R. S. 40:176-3.

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

1. R. S. 40:176-3 is amended to read as follows:

City may lease its public halls.

40:176-3. Cities in this State which have or may hereafter acquire lands, and which have or may hereafter erect on said lands,

a building or buildings suitable for conventions, temporary or permanent exhibitions, entertainments, receptions, lectures, addresses, assemblages and other like purposes, may lease all or any portion of such building or buildings or premises for such purposes, or for any other purposes, which in their discretion they may deem advisable, including the sale of merchandise and privileges, for a term of years not to exceed 50 years, and may extend such a lease for an additional 25 years thereafter by ordinance or resolution.

2. This act shall take effect immediately.

Approved April 11, 1973.

CHAPTER 81

AN ACT concerning subsidized adoption of certain children and supplementing "An act concerning the care, custody, guardianship, maintenance and supervision of dependent and neglected children, promoting home life therefor, providing for the financing thereof, and repealing certain statutes relating thereto," approved May 31, 1951 (P. L. 1951, c. 138).

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

C. 30:4C-45 Declaration of policy.

1. It is the intent of the Legislature in enacting this act to benefit hard-to-place children in foster care at State expense by providing the stability and security of permanent homes.

C. 30:4C-46 Payments on behalf of children placed for adoption; conditions.

2. The Bureau of Children's Services or its successor, the Division of Youth and Family Services may make payments to adoptive parents on behalf of a child placed for adoption by the bureau whenever:

a. the child because of physical or mental condition, race, age, or membership in a sibling group, or for any other reason falls into the category of a child hard to place for adoption; and

b. the adoptive family is capable of providing the permanent family relationships needed by the child in all respects other than financial, and the needs of the child are beyond the economic ability and resources of the family.

C. 30:4C-47 Allowable costs and expenses in subsidization of adoption.

3. Payments in subsidization of adoption may include but are not limited to the maintenance costs, medical and surgical expenses, and other costs incidental to the care, training and education of the child, including all medical costs for any child in connection with any physical or mental condition which existed prior to the date of entry of the judgment of adoption. Such payments for maintenance costs may not exceed 80% of the cost of providing comparable assistance in foster care and shall not be made after the adoptive child becomes 18 years of age.

C. 30:4C-48 Determination of qualification for payments.

4. Qualification for payments in subsidization of adoption shall be determined and approved by the bureau or its successor, the Division of Youth and Family Services, prior to the completion of the adoption proceeding, and shall be redetermined annually thereafter.

C. 30:4C-49 Rules and regulations.

5. The bureau or its successor, the Division of Youth and Family Services shall make all necessary rules and regulations for administering the program for payments in subsidization of adoptions.

6. This act shall take effect 60 days after enactment.

Approved April 12, 1973.

CHAPTER 82

AN ACT authorizing the use of electronic voting systems and supplementing Title 19 of the Revised Statutes.

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

C. 19:53A-1 Definitions.

1. As used in this act, unless otherwise specified:

a. "Automatic tabulating equipment" includes apparatus which automatically examines and counts votes recorded on ballot cards, and tabulates the results.

b. "Ballot card" means a tabulating card on which votes may be recorded.

c. "Ballot labels" means the pages, cards, or other material containing the names of offices and candidates and the statements of measures to be voted on, which are placed on the voting device.

d. "Counting center" means one or more locations selected by each of the county boards of election for the automatic counting of ballots.

e. "Electronic voting system" means a system in which votes are recorded on ballot cards, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting centers.

f. "Voting device" means an apparatus which the voter uses to record his votes on a tabulating card.

g. "County boards of elections" shall mean the county board of elections appointed in the various counties or the person or board in charge of elections in the various counties as provided in Title 19 of the New Jersey Revised Statutes.

C. 19:53A-2 Adoption of electronic voting system; construction of act.

2. a. The board of chosen freeholders of any county may adopt, acquire by purchase, lease, or otherwise, or abandon any electronic voting system or mechanical system authorized herein which has been approved for use in the State, in any election or primary or combination thereof, and may use such system in all or a part of the districts within its boundaries, or in combination with paper ballots. The county authorities, on the adoption and acquisition of an electronic voting system, shall provide for the payment therefor in such manner as they deem for the best interest of the locality, in such manner as may be provided by law.

b. The provisions of this act shall be controlling with respect to elections where electronic voting systems are used, and shall be liberally construed so as to carry out the purpose and intent of this act. Any provisions of law relating to the conduct of elections which conflict with this act shall not apply to the conduct of elections with an approved electronic voting system.

C. 19:53A-3 Electronic voting system requirements.

3. Every electronic voting system, consisting of a voting device in combination with automatic tabulating equipment, acquired or used in accordance with this act, shall:

a. Provide for voting in secrecy, except in the case of voters who have received assistance as provided by law;

b. Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to

vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot card if the number of choices exceeds the number which he is entitled to vote for the office or on the measure;

c. Permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and their presidential electors;

d. Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent candidates; and personal choice or write-in candidates;

e. Permit each voter in primary elections to vote for candidates in the party primary in which he is qualified to vote, and the automatic tabulating equipment shall reject any votes cast for candidates of another party;

f. Prevent the voter from voting for the same person more than once for the same office;

g. Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

h. When properly operated, record correctly and count accurately every vote cast, including all overvotes or undervotes and all affirmative votes or negative votes on all public questions or referenda.

C. 19:53A-4 Approval of voting device.

4. No voting device shall be used in an election in this State unless in combination with automatic tabulating equipment used to count and tabulate ballots it meets the requirements in section 3 of this act, and has been approved by the Secretary of State, or other person, agency or board charged with the examination and approval of voting machines. When such device has been approved, any improvement or change which does not impair its accuracy, efficiency, or ability to meet such requirements shall not require a reexamination or reapproval thereof.

C. 19:53A-5 Specifications and printing of ballot labels, ballots and sample ballots; write-in ballots.

5. a. Ballot labels shall be printed in plain clear type in black ink, of such size and arrangement as to fit the construction of the voting device; they shall be printed on clear white material or on material of different colors to identify different ballots or parts of the ballot, and in primary elections to identify each political party.

b. The titles of offices and the names of candidates may be arranged in vertical columns or in a series of separate pages. The

office title with a statement of the number of candidates to be voted for shall be printed above or at the side of the names of the candidates for that office. The names of candidates shall be printed in the order provided by law, and in general elections the party designation of each candidate, which may be abbreviated, and a slogan not to exceed five words may be printed following his name. In case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall be clearly marked that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and on each measure.

c. The different parts of the ballot, such as partisan, nonpartisan, and measures, shall be prominently indicated on the ballot labels, and, if practicable, each part shall be placed on a separate page or pages. In the event that two or more elections are held on the same day, the ballot labels shall be clearly marked to indicate the ballot for each election, and, if practical, the ballot labels for each election shall be placed upon separate pages, and labels of a different color or tint may be used for each election.

d. Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided as required by law. At least three copies shall be posted in each polling place on election day. Sample ballots may be printed on a single sheet or on a number of pages stapled together.

e. In elections in which voters are authorized to vote for persons whose names do not appear on the ballot, a separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the voter places his ballot card after voting, shall be provided to permit voters to write in the title of the office and the name of the person or persons for whom he wishes to vote.

C. 19:53A-6 Voting devices, voting booths, ballot boxes, ballot cards, records and supplies to be furnished.

6. a. Prior to any election at which electronic voting devices are used the county board of elections shall have the voting devices prepared for the election and shall provide the district election officers with voting devices, voting booths, ballot boxes, ballot cards, "write-in" ballots and other records and supplies as required.

b. Ballot cards shall be of the size, design and stock suitable for processing by automatic data processing machines. Each ballot card shall have an attached numbered perforated stub, which shall

be removed by an election officer before it is deposited in the ballot box. In primary elections the ballot cards of each political party shall be distinctly marked or shall be of a different color or tint so that the ballot cards of each political party are readily distinguishable.

c. Unless the voting device enables the voter to mark his choices in secret, the board of elections shall provide a sufficient number of voting booths for each voting district, which shall be of a size and design so as to enable the voter to mark his ballot in secret.

C. 19:53A-7 Duties of district election board members.

7. a. Thirty minutes before the opening of the polls the local district election officers shall arrive at the polling place, place the voting devices in position for voting, and examine them to see that they have the correct ballot labels by comparing them with the sample ballots, and are in proper working order. They shall open and check the ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters.

b. Each voter requesting assistance shall be instructed how to operate the voting device before he enters the voting booth. If he needs additional instruction after entering the voting booth and requests assistance, two members of the district board of opposite political parties, may if necessary enter the booth and give him additional instructions.

c. The district election official attending the voting machine shall inspect the face of the machine and the ballot at least once per hour to see that the face of the machine and the ballot are in their proper place and that neither has been mutilated, defaced, tampered with or changed and that the machine has not been changed.

d. After the voter has marked his ballot cards, he shall place the ballot card inside the envelope provided for this purpose and return it to the election officer, who shall remove the stub, hand it to the voter, and deposit the envelope with the ballot card inside in the ballot box. No ballot card from which the stub has been detached shall be accepted by the election official in charge of the ballot box, but it shall be marked "Spoiled" and placed with the spoiled ballot cards.

e. Any voter who spoils his ballot card may return it enclosed in the envelope and secure another. The word "Spoiled" shall be written across the face of the envelope which shall be placed in the spoiled ballot card container.

f. As soon as the polls have been closed and the last qualified voter has voted, all unused ballot cards shall be placed in a con-

tainer and sealed for return to the board of elections. Said container shall be indestructible, waterproof and shall be sealed before being removed from the local district election board premises. The ballot box shall be opened and any write-in votes counted. Before write-in votes are counted they shall be compared with votes cast on the ballot card for the same office. If the voter has cast more votes for an office than he is entitled to vote for, the vote for that office shall be declared null and void and that vote shall not be counted for that office. Votes cast for duly nominated candidates on the ballot card will not be voided because of an invalid write-in vote, but if otherwise valid shall be counted. The voted ballot cards shall next be placed in the ballot card container for delivery to the counting center, and the voting devices shall be placed in their containers and locked or sealed for returning to the county board of elections.

g. The district board election officers shall prepare a report of the number of voters who have voted, as indicated by the poll list, and shall place the original copy of this report in the ballot card container for delivery to the counting center, which thereupon shall be sealed so that no additional ballot cards may be deposited or removed. The duplicate copy of said report shall be returned to the county election board with other records. Two district election board officers one of each opposite political party as in this act defined shall forthwith deliver the ballot card container to the counting center or other place designated by the county board.

C. 19:53A-8 Counting the ballots.

8. a. Prior to the start of the count of the ballots, each county board of elections shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in three or more daily or weekly newspapers published in the county or jurisdiction where such equipment is used, if a newspaper is published therein, otherwise in a newspaper of general circulation therein; said newspapers shall be selected so as to give the widest possible notice to the voters of said county and one of said newspapers shall be the newspaper or one of the newspapers in which legal notices of the county are required to be published. The test shall be conducted by processing a preaudited group of ballot cards so punched as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in ex-

cess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. In such test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the county board of elections before the count is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the count, the programs, test materials, and ballot cards arranged by districts shall be sealed and retained as provided for paper ballots.

b. All proceedings at the counting center shall be under the direction of the county board of elections or persons designated by it; there shall always be two persons in charge, one from each opposite political party as in this act defined; and all proceedings shall be conducted under the observation of the public, but no persons except those authorized for the purpose shall touch any ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized and take an oath that they will faithfully perform their assigned duties. If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made and substituted for the damaged ballot card. All duplicate ballot cards shall be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot card. The damaged or defective ballot card as well as the "duplicate" shall be preserved with the other ballot cards. During the count the election officer or board in charge may from time to time release unofficial returns. Upon completion of the count the official returns shall be open to the public.

c. The return of the automatic tabulating equipment, to which have been added the write-in and absentee votes, shall, after being duly certified, constitute the official return of each election district.

d. If for any reason it becomes impracticable to count all or a part of the ballot cards with tabulating equipment, the county board of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots contained in Title 19 of the Revised Statutes.

C. 19:53A-9 Counting absentee ballots.

9. Absentee votes may be cast on paper ballots or ballot cards, or both methods may be used. Such ballots may be counted by

automatic tabulating equipment or by special canvassing boards appointed by and under the direction of the county board of elections. A true copy of absentee paper ballots may be made on ballot cards, which after being duly verified, shall forthwith be counted in the same manner as other ballot cards. Such paper ballots and ballot cards shall be forthwith marked with corresponding numbers, which numbering shall be done in such manner as not to identify any voter and such marking shall not be considered to be a marked ballot. Such paper ballots and corresponding ballot cards shall both be preserved in the same manner as other ballot cards are required to be preserved hereunder.

C. 19:53A-10 Overvotes or misvotes.

10. Any overvote or misvote for one or more offices shall not invalidate the entire ballot.

C. 19:53A-11 Model of voting device for instruction of voters.

11. For instructing the voters on any election day there shall, so far as practicable, be provided by the county board of elections or the superintendent of elections or the municipal clerk, as the case may be, having custody of voting devices, for each polling place a mechanically operated model of at least a portion of the face of the device. Such model, if furnished, shall, during the election, be located on the district election board's table or in some other place which the voters must pass to reach the voting device, and each voter shall before entering the voting device booth or before voting, be instructed regarding the operation of the device and such instruction illustrated on the model, and the voter be given opportunity personally to operate the model. The voter's attention shall also be directed to the fact of the device and he shall have the ballot explained as to the location of the public questions or referendum, the location of the officers and the names of all candidates to be voted for.

C. 19:53A-12 Appointment and rights of challengers.

12. Challengers may be appointed in the same manner as provided in R. S. 19:7-1 et seq., for each counting center set up in each county and said challengers shall have the right to be present and represent the candidates or party appointing them during any time the counting center is open or operating whether for testing of equipment, programs, ballot cards or for counting the ballot cards or for any other purpose.

C. 19:53A-13 Applicability of Title 19.

13. The provisions of Title 19 of the Revised Statutes except as herein modified shall be applicable to the use of electronic voting systems in elections as herein provided for.

C. 19:53A-14 Recount procedure.

14. In case of a recount the ballot cards shall be recounted in the manner provided by section 8 of this act unless the court ordering the recount directs that they be counted manually.

C. 19:53A-15 Tampering with or interfering with operation of voting device or equipment; penalty.

15. a. Any person who before, during or after an election tampers with or willfully injures any voting device, ballot cards, or other records or equipment used in the election, or interferes or attempts to interfere with the correct operation of such device or equipment or the secrecy of voting, is guilty of a high misdemeanor.

b. The penal laws and election laws relating to misconduct at elections apply to elections conducted with voting devices and automatic tabulating equipment.

16. This act shall take effect immediately.

Approved April 12, 1973.

CHAPTER 83

AN ACT concerning the reporting of campaign contributions and expenditures, limiting election campaign expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

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

C. 19:44A-1 Short title.

1. This act shall be known and may be cited as "The New Jersey Campaign Contributions and Expenditures Reporting Act."

C. 19:44A-2 Declaration of policy.

2. It is hereby declared to be in the public interest and to be the policy of the State to limit the campaign expenditures by candidates for public office and to require the reporting of all contributions received and expenditures made to aid or promote the nomination, election or defeat of any candidate for public office or to aid or promote the passage or defeat of a public question in any election and to require the reporting of all contributions received and expenditures made to provide political information on any candidate for public office, or on any public question, or to influence the content, introduction, passage or defeat of legislation.

C. 19:44A-3 Definitions.

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

a. The term “allied candidates” means candidates in any election who are (1) seeking nomination or election (A) to an office or offices in the same county or municipal government or school district or (B) to the Legislature representing in whole or part the same constituency, (C) as members of the State committee of the same political party from the same county or (D) as delegates or alternates to the national convention of the same political party; and who are (2) either (A) nominees of the same political party or (B) publicly declared in any manner, including the seeking or obtaining of any ballot position or common ballot slogan, to be aligned or mutually supportive.

b. The term “allied campaign organization” means any political committee, any State, county or municipal committee of a political party or any campaign organization of a candidate which is in support or furtherance of the same candidate or any one or more of the same group of allied candidates or the same public question as any other such committee or organization.

c. The term “candidate” means an individual seeking election to a public office of the State or of a county, municipality or school district at a primary, general, municipal, school or special election; except that the term shall not include the office of county committeeman or committeewoman.

d. The terms “contributions” and “expenditures” include all transfers of money or other thing of value to or by any candidate, political committee, committee of a political party or political information organization, and all pledges or other commitments or assumptions of liability to make any such transfer; and for

purposes of reports required under the provisions of this act shall be deemed to have been made upon the date when such commitment is made or liability assumed.

e. The term "election" means any election described in section 4 of this act.

f. The term "paid personal services" means personal, clerical, administrative or professional services of every kind and nature including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services, performed other than on a voluntary basis, the salary, cost or consideration for which is paid, borne or provided by someone other than the committee, candidate or organization for whom such services are rendered. In determining the value, for the purpose of reports required under this act, of contributions made in the form of paid personal services, the person contributing such services shall furnish to the campaign treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by said contributor to the individuals actually performing said services for the performance thereof. But if any individual or individuals actually performing such services also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall in his statement to the campaign treasurer so state and shall either (1) set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same, or (2) if unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed. If any candidate is a holder of public office to whom there is attached or assigned, by virtue of said office, any aide or aides whose services are of a personal or confidential nature in assisting him to carry out the duties of said office, and whose salary or other compensation is paid in whole or part out of public funds, the services of such aide or aides which are paid for out of public funds shall be for public purposes only; but they may contribute their personal services, on a voluntary basis, to such candidate for election campaign purposes.

g. The term "political information organization" means any two or more persons acting jointly, or any corporation, partner-

ship, or any other incorporated or unincorporated association, whether or not it is required to be registered pursuant to the "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183), which is organized for the purpose of, or which provides political information concerning any candidate or candidates for public office or with respect to any public question, or which seeks to influence the content, introduction, passage or defeat of legislation. The term shall not apply to any bona fide newspaper, magazine, radio or television station or other bona fide news medium disseminating political information, advertising and comment in the normal course of its business; nor to any recognized school or institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events in which political information or discussion thereof or comment thereon is an integral part.

h. The term "political information" means any statement including but not limited to, press releases, pamphlets, newsletters, advertisements, flyers, form letters, or radio or television programs or advertisements which reflect the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or on any legislation, or which contains facts on any such candidate, public question or legislation whether or not such facts are within the personal knowledge of members of the organization.

i. The term "political committee" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does, aid or promote the passage or defeat of a public question in any election.

j. The term "public solicitation" means any activity by or on behalf of any candidate, State, county or municipal party committee, political committee or political information organization whereby either (1) members of the general public are personally solicited for cash contributions not exceeding \$10.00 from each person so solicited and contributed on the spot by the person so solicited to a person so soliciting or through a receptacle provided for the purpose of depositing contributions, or (2) members of the general public are personally solicited for the purchase of items having some tangible value as merchandise, at a price not exceeding \$10.00 per item, which price is paid on the spot in cash by the

person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, party committee, or political committee or political information organization.

k. The term "testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs directly or indirectly intended to raise campaign funds in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State, or directly or indirectly intended to raise funds in behalf of any State, county or municipal committee of a political party or in behalf of a political committee, or directly or indirectly intended to raise funds for any political information organization.

l. The term "other thing of value" means any item of real or personal property, tangible or intangible, but shall not be deemed to include personal services other than paid personal services.

C. 19:44A-4 Applicability of act.

4. The provisions of this act shall apply:

a. Whenever an attempt is made to influence the content, introduction, passage or defeat of legislation;

b. In any primary election for delegates and alternates to the national conventions of a political party;

c. In any election at which a public question is to be voted upon by the voters of the State or any political subdivision thereof;

d. In any primary, general, special, school or municipal election for any public office of the State or any political subdivision thereof; provided, however, that this act shall not apply to elections for county committeeman or committeewoman.

C. 19:44A-5 New Jersey Election Law Enforcement Commission; creation, membership, appointment, terms, chairman, vacancies, compensation, supervision.

5. There is hereby created a commission consisting of four members which shall be designated as the New Jersey Election Law Enforcement Commission. The members shall be appointed by the Governor by and with the advice and consent of the Senate for a term of 3 years, beginning on July 1 and ending June 30, except as hereinafter provided. The Governor shall designate one of his appointees to serve as chairman of the commission. No more than two members shall belong to the same political party, and no person holding a public office or an office in any political party shall be eligible for appointment to the commission. Of the

members initially appointed, two shall be appointed for a term of 3 years, one for a term of 2 years and one for a term of 1 year. Each member shall serve until his successor has been appointed and qualified. In case of a vacancy, however, the successor shall be appointed in like manner for the unexpired term only. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties under this act. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Election Law Enforcement Commission is hereby allocated within the Department of Law and Public Safety; but, notwithstanding said allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof, it being the intention of this act that the assignment, direction, discipline and supervision of all the employees of the commission shall be so far as possible, and except as otherwise provided in this act, fully determined by the commission or by such officers and employees thereof to whom the commission may delegate the powers of such assignment, direction, discipline and supervision.

C. 19:44A-6 Duties and powers of commission.

6. a. The commission shall appoint a full-time executive director, legal counsel and hearing officers, all of whom shall serve at the pleasure of the commission and shall not have tenure by reason of the provisions of chapter 16 of Title 38 of the Revised Statutes. The commission shall also appoint such other employees as are necessary to carry out the purposes of this act, which employees shall be in the classified service of the civil service and shall be appointed in accordance with and shall be subject to the provisions of Title 11, Civil Service.

b. It shall be the duty of the commission to enforce the provisions of this act, to conduct hearings with regard to possible violations and to impose penalties; and for the effectual carrying out of its enforcement responsibilities the commission shall have the authority to initiate a civil action in any court of competent jurisdiction for the purpose of enforcing compliance with the provisions of this act or enjoining violations thereof or recovering any penalty prescribed by this act. The commission shall promulgate such regulations and official forms and perform such duties as are necessary to implement the provisions of this act. Without limiting the generality of the foregoing, the commission is authorized and empowered to:

- (1) Develop forms for the making of the required reports;
- (2) Prepare and publish a manual for all candidates, committees and political information organizations prescribing the requirements of the law, including uniform methods of bookkeeping and reporting and requirements as to the length of time that any person required to keep any records pursuant to the provisions of this act shall retain such records, or any class or category thereof, or any other documents, including canceled checks, deposit slips, invoices and other similar documents, necessary for the compilation of such records;
- (3) Develop a filing, coding and cross-indexing system;
- (4) Permit copying or photo-copying of any report required to be submitted pursuant to this act as requested by any person;
- (5) Prepare and make available for public inspection summaries of all said reports grouped according to candidates, parties and issues, containing the total receipts and expenditures, and the date, name, address and amount contributed by each contributor;
- (6) Prepare and publish, prior to May 1 of each year, an annual report to the Legislature;
- (7) Ascertain whether candidates, committees, organizations or others have failed to file reports or have filed defective reports; extend, for good cause shown, the dates upon which reports are required to be filed; give notice to delinquents to correct or explain defects; and make available for public inspection a list of such delinquents;
- (8) Ascertain the total expenditures for candidates and determine whether they have exceeded the limits set forth in this act; notify candidates, committees or others if they have exceeded or are about to exceed the limits imposed;
- (9) Hold public hearings, investigate allegations of any violations of this act, and issue subpoenas for the production of documents and the attendance of witnesses;
- (10) Forward to the Attorney General or to the appropriate county prosecutor information concerning any violations of this act which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General.

c. The commission shall take such steps as may be necessary or appropriate to furnish timely and adequate information, in appropriate printed summaries and in such other form as it may see fit, to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of this act,

and to every treasurer and depository duly designated under the provisions of this act, informing them of their actual or prospective obligations and responsibilities under this act. Such steps shall include, but not be limited to, furnishing to every person on whose behalf petitions of nomination are filed for any public office a copy of such printed summary as aforesaid, which shall be furnished to such person by the commission through the public official charged with the responsibility of receiving and accepting such petitions of nomination, at the time when such petitions are filed. The commission shall also make available copies of such printed summary to any other person requesting the same. The commission shall also take such steps as it may deem necessary or effectual to disseminate among the general public such information as may serve to guide all persons who may become subject to the provisions of this act by reason of their participation in election campaigns or in the dissemination of political information, for the purpose of facilitating voluntary compliance with the provisions and purposes of this act. In the dissemination of such information, the commission shall to the greatest extent practicable enlist the cooperation of commercial purveyors, within and without the State, of materials and services commonly used for political campaign purposes.

d. If the nomination for or election to any public office or party position becomes void under the terms of subsection c. of section 21 of this act, the withholding or revocation of his certificate of election, the omission of his name from the ballot or the vacation of the office into which he has been inducted as a result of such void election, as the case may be, shall be subject to the provisions of chapter 3, articles 2 and 3, of this Title (R. S. 19:3-7 et seq.).

e. The commission shall be assigned suitable quarters for the performance of its duties hereunder.

f. The commission through its legal counsel is authorized to render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of any of the provisions of this act, or whether a given set of facts and circumstances would render any person subject to any of the reporting requirements of this act.

Unless an extension of time is consented to by any person requesting an advisory opinion, the commission shall render its advisory opinion within 10 days of receipt of the request therefor. Failure of the commission to reply to a request for an advisory opinion within the time so fixed or agreed to shall preclude it from instituting proceedings for imposition of a penalty upon any person

for a violation of this act arising out of the particular facts and circumstances set forth in such request, except as such facts and circumstances may give rise to a violation when taken in conjunction with other facts and circumstances not set forth in such request.

C. 19:44A-7 Limitation of expenditures in aid of candidacy.

7. The amount which may be spent in aid of the candidacy of any candidate for a public office at any election shall not exceed \$0.50 for each voter who voted in the last preceding general election in a presidential year in the district in which the public office is sought.

No money or other thing of value shall be paid or promised, or expense authorized or incurred in behalf of any candidate for nomination or election to any office, whether such payment is made or promised, or expense authorized or incurred by the candidate himself or by any other person, political committee or organization, in furtherance or in aid of his candidacy, under any circumstances whatsoever, in excess of the sums provided; but such sums shall not include the traveling expenses of the candidate or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate that they shall be, directly or indirectly, repaid to him by the candidate.

C. 19:44A-8 Contents of reports to be filed by certain committees and organizations.

8. Each State, county and municipal committee of a political party, each political committee and each political information organization shall make a full report, upon a form prescribed by the Election Law Enforcement Commission of all moneys, loans, paid personal services, or other things of value contributed to it and all expenditures made, incurred, or authorized by it in furtherance of the nomination, election or defeat of any candidate, or in aid of the passage or defeat of any public question, or to provide political information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of any legislation, during the period ending with the day preceding the date of the report and beginning on the date of the most recent such report filed. The report, except as hereinafter provided, shall contain the name and address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The

report shall be filed with the Election Law Enforcement Commission on the dates designated in section 16 hereof; provided, however, that any political information organization which solely seeks to influence the content, introduction, passage or defeat of legislation shall report only on the date designated in this section. The campaign treasurer of the committee or political committee reporting or the treasurer of the political information organization reporting shall certify to the correctness of each report.

Each State, county and municipal committee of a political party and each political information organization shall also file with the Election Law Enforcement Commission, not later than March 1 of each year, an annual report of all moneys, loans, paid personal services or other things of value contributed to it during the previous calendar year and all expenditures made, incurred, or authorized by it, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question or to provide information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of any legislation. The report shall contain the name and address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The treasurer of the committee or organization reporting shall certify to the correctness of each report.

In any report filed pursuant to the provisions of this section the organization or committee reporting may exclude from the report the names and addresses of contributors whose contributions during the period covered by the report did not exceed \$100.00; provided, however, that (1) such exclusion is unlawful if any person responsible for the preparation or filing of the report knew that it was made with respect to any person whose contributions relating to the same election or issue and made to the reporting organization or committee or to an allied campaign organization or organizations aggregate, in combination with the contribution in respect of which such exclusion is made, more than \$100.00 and (2) any person who knowingly prepares, assists in preparing, files or acquiesces in the filing of any report from which the identification of a contributor has been excluded contrary to the provisions of this section is subject to the provisions of section 21 of

this act, but (3) nothing in this proviso shall be construed as requiring any committee or organization reporting pursuant to this act to report the amounts, dates or other circumstantial data regarding contributions made to any other organization or political committee, committee of a political party or campaign organization of a candidate.

Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affairs held since the date of the most recent report filed, which accounting shall include the names and addresses of each contributor in excess of \$100.00 to such testimonial affair and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of such testimonial affair.

No State, county or municipal committee of a political party nor any political committee nor any political information organization shall be required to file reports pursuant to this section of contributions received or expenditures made in behalf of any candidate who is not required to file reports pursuant to section 16 of this act.

C. 19:44A-9 Appointment of campaign treasurer by candidate; designation of depository; filings.

9. Each candidate in an election shall appoint one campaign treasurer and shall designate one campaign depository before receiving any contribution or expending any money in furtherance or aid of his candidacy. Any bank authorized by law to transact business in the State may be designated as the campaign depository. The designation of the campaign treasurer and the campaign depository shall be made by the candidate's filing the name and address of such campaign treasurer and such depository with the Election Law Enforcement Commission.

A campaign treasurer of the candidate may appoint deputy campaign treasurers as required and may designate additional campaign depositories in each county in which the campaign is conducted. The candidate shall file the names and addresses of deputy campaign treasurers and additional campaign depositories with the Election Law Enforcement Commission.

A candidate may remove a campaign treasurer or deputy campaign treasurer. In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and shall file his name and address with the Election Law Enforcement Commission within 3 days. A candidate may serve as his own campaign treasurer.

C. 19:44A-10 Designation of campaign treasurer and depository by certain committees; filings.

10. Each State, county and municipal committee of a political party shall, on or before January 31 in each year, designate a campaign treasurer and a campaign depository and shall file the name and address thereof with the Election Law Enforcement Commission.

Every political committee shall, before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate, or to aid the passage or defeat of any public question, appoint one campaign treasurer and designate one campaign depository and file the name and address thereof with the Election Law Enforcement Commission. A campaign treasurer of the State, county or municipal committee of a political party, and a campaign treasurer of a political committee may appoint deputy campaign treasurers as may be required and may designate additional campaign depositories. Such committees shall file the names and addresses of such deputy campaign treasurers and additional campaign depositories with the Election Law Enforcement Commission.

Any State, county or municipal committee of a political party, and any political committee may remove its campaign treasurer or deputy campaign treasurer. In the case of the death, resignation or removal of its campaign treasurer, the committee shall appoint a successor as soon as practicable and shall file his name and address with the Election Law Enforcement Commission within 3 days.

C. 19:44A-11 Lawful methods of contributing to support of candidates or public questions; reporting; disposition of anonymous contributions.

11. No contribution of money or other thing of value, nor obligation therefor, including but not limited to contributions, loans or obligations of a candidate himself or of his family, shall be made or received, and no expenditure of money or other thing of value, nor obligation therefor, including expenditures, loans or obligations of a candidate himself or of his family, shall be made or incurred, directly or indirectly, to support or defeat a candidate in any election, or to aid the passage or defeat of any public question, except through:

a. The duly appointed campaign treasurer, or deputy campaign treasurers of the candidate;

b. The duly appointed campaign treasurer or deputy campaign treasurers of a political party committee;

c. The duly appointed campaign treasurer or deputy campaign treasurers of a political committee.

It shall be lawful, however, for any person, not acting in concert with any other person or group, to expend personally from his own funds a sum which is not to be repaid to him for any purpose not prohibited by law, or to contribute his own personal services and personal traveling expenses, to support or defeat a candidate or to aid the passage or defeat of a public question; provided, however, that any person making such expenditure shall be required to report all such expenditures and expenses, except personal traveling expenses, if the total of the money so expended, exclusive of such traveling expenses, exceeds \$100.00, either:

a. To the campaign treasurer of the candidate, political party committee or political committee on whose behalf such expenditure or contribution was made, or to his deputy, who shall cause the same to be included in his report to the Election Law Enforcement Commission subject to the provisions of sections 8 and 9 of this act; or

b. Directly to the Election Law Enforcement Commission at the same time and in the same manner as a political committee subject to the provisions of section 8 of this act.

Any anonymous contribution received by a campaign treasurer or deputy campaign treasurer shall not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution shall escheat to the State.

Any State, county or municipal committee of any political party, after a primary election, but not prior thereto, may receive and expend funds to be spent in furtherance and in aid of the candidacy of all the candidates of such party, or of any one or more of such candidates, in accordance with the provisions of this act.

C. 19:44A-12 Deposit of funds by treasurer of candidate or by treasurer of certain committees; contents and filing of statement.

12. All funds received by a campaign treasurer or deputy campaign treasurer of a candidate, of a State, county or municipal committee of a political party, or of a political committee shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository of the candidate, committee or political committee, in an account designated "Campaign Fund of (name of candidate or committee)" no later than the tenth calendar day following receipt of such funds; except that any such treasurer or deputy treasurer may, when authorized by the candidate or com-

mittee of which he is the campaign treasurer or deputy campaign treasurer, transfer any such funds to the duly designated campaign treasurer or deputy campaign treasurer of another candidate or committee, for inclusion in the campaign fund thereof, without first so depositing them; provided, however, that a record of all non-deposited funds so transferred shall be attached to the statement required under this section, identifying them as to source and amount in the same manner as deposited funds.

All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name and address of each person or group contributing or providing the funds so deposited, and the amount contributed or provided by each person or group, provided that the campaign treasurer or deputy campaign treasurer may exclude from such statement the names and addresses of persons or groups contributing \$100.00 or less. The statement shall be made upon a form prescribed by the Election Law Enforcement Commission, and one copy thereof shall be filed by the campaign depository with the Election Law Enforcement Commission in accordance with section 17 of this act, one copy shall be retained by the campaign depository for its records and one copy shall be retained by the campaign treasurer for his records.

C. 19:44A-13 Designation of treasurer and depository by certain organizations; filings.

13. Each political information organization shall, on or before January 31 in each year, designate a treasurer and a depository and shall file the name and address thereof with the Election Law Enforcement Commission.

Every political information organization shall, before receiving any contribution or expending any money to provide any political information on any candidate, or public question or to seek to influence the content, introduction, passage or defeat of legislation, appoint one treasurer and designate one depository and file the name and address thereof with the Election Law Enforcement Commission. The treasurer of a political information organization may appoint deputy treasurers as may be required and may designate additional depositories. Such organizations shall file the names and addresses of such deputy treasurers and additional depositories with the Election Law Enforcement Commission.

Any political information organization may remove its treasurer or deputy treasurer. In the case of the death, resignation or removal of its treasurer, the organization shall appoint a successor

within 10 days and shall file his name and address with the Election Law Enforcement Commission within 3 days.

C. 19:44A-14 Lawful contributions to certain organizations; reporting; disposition of anonymous contributions.

14. No contribution of money or other thing of value, nor obligation therefor, including but not limited to contributions, loans or obligations shall be made to or received by a political information organization, and no expenditure of money or other thing of value, nor obligation therefor, including expenditures, loans or obligations shall be made or incurred, directly or indirectly, by a political information organization to provide information on any candidate or public question or to seek to influence the content, introduction, passage, or defeat of legislation except through the duly appointed treasurer or deputy treasurer of the political information organization.

It shall be lawful, however, for any person, not acting in concert with any other person or group, to expend personally from his own funds a sum which is not to be repaid to him for any purpose not prohibited by law, or to contribute his own personal services and personal traveling expenses, to provide political information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of legislation; provided, however, that the person making such expenditure shall be required to report all such expenditures and expenses except personal traveling expenses if the total of the money so expended, exclusive of such travel expenses, exceeds \$100.00, either:

a. To the treasurer of the political information organization on whose behalf such expenditure or contribution was made, or to his deputy, who shall cause the same to be included in his report to the Election Law Enforcement Commission; or

b. Directly to the Election Law Enforcement Commission at the same time and in the same manner as a political information organization subject to the provisions of section 8 of this act.

Any anonymous contribution received by a treasurer or deputy treasurer of a political information organization shall not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution shall escheat to the State.

C. 19:44A-15 Deposits of funds by treasurers of certain organizations; contents and filing of statement.

15. All funds received by a treasurer or deputy treasurer of a political information organization shall be deposited by the treasurer or deputy treasurer in a depository of the organization in an account designated "(name of political information organization) Fund" no later than the tenth calendar day following receipt of such funds.

All deposits made by a treasurer or deputy treasurer of a political information organization shall be accompanied by a statement containing the name and address of each person or group contributing or providing the funds so deposited, and the amount contributed or provided by each person or group, provided that the treasurer or deputy treasurer may exclude from such statement the names and addresses of persons or groups contributing \$100.00 or less. The statement shall be made upon a form prescribed by the Election Law Enforcement Commission, and one copy thereof shall be filed by the depository with the Election Law Enforcement Commission in accordance with section 17 of this act, one copy shall be retained by the treasurer for his records.

C. 19:44A-16 Contents and filing of reports by treasurers of candidates, of certain committees, or of certain organizations.

16. Each campaign treasurer of a candidate shall make a full report, upon a form prescribed by the Election Law Enforcement Commission, of all moneys, loans, paid personal services or other things of value, contributed to him or to the deputy campaign treasurers of the candidate, and all expenditures paid out of the campaign fund of the candidate, during the period ending with the day preceding the date of the report and beginning on the date the most recent such report was filed, or, in the case of the first such report filed after the appointment of the campaign treasurer, beginning on the date of the appointment of the campaign treasurer. The report shall also contain the name and address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The campaign treasurer and the candidate shall certify the correctness of the report.

During the period between the appointment of the campaign treasurer and the election with respect to which contributions are accepted or expenditures made by him, the campaign treasurer shall file his report (1) on the seventh day preceding the election, and (2) on the twenty-fifth day preceding the election; and after

the election he shall file his report on the fifteenth day following such election. Concurrent with the report filed on the fifteenth day following an election, or at any time thereafter, the campaign treasurer of a candidate or political committee or committee of a political party or the treasurer of a political information organization may certify to the Election Law Enforcement Commission that the campaign fund of such candidate, political committee or committee of a political party, or the fund of such political information organization, having been instituted for the purposes of the late election, has wound up its business and been dissolved or, in the case of a political committee or a committee of a political party or a political information organization which continues its activities beyond the election, that its business regarding the late election has been wound up; and said certification shall be accompanied by a final accounting of such campaign fund, or of the transactions relating to such election, including the final disposition of any balance remaining in such fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution. Until such certification has been filed, each such treasurer shall continue to file, at the conclusion of each 60-day interval from the fifteenth day following such election, reports in the form and manner herein prescribed.

In the case of a primary, general, municipal, school, or special election of a candidate for an office elected by a municipal or county-wide constituency or a school district a duplicate copy of the campaign treasurer's report, duly certified, shall be filed at the same time with the county clerk of the county in which the candidate resides.

There shall be no obligation to file the reports required by this section on behalf of a candidate if such candidate files with the Election Law Enforcement Commission a sworn statement to the effect that the total amount to be expended in behalf of his candidacy by the candidate, by any State, county or municipal committee of a political party, by any political committee, or by any person shall not in the aggregate exceed \$1,000.00; provided, that if a candidate who has filed such a sworn statement receives contributions from any one source aggregating more than \$100.00 he shall forthwith make report of the same, including the identity of the source and the aggregate total of contributions therefrom, to the Election Law Enforcement Commission.

In any report filed pursuant to the provisions of this section, the names and addresses of contributors whose contributions during the period covered by the report did not exceed \$100.00 may be excluded; provided, however, that (1) such exclusion is unlawful if any person responsible for the preparation or filing of the report knew that such exclusion was made with respect to any person whose contributions relating to the same election and made to the reporting candidate or to an allied campaign organization or organizations aggregate, in combination with the contribution in respect of which such exclusion is made, more than \$100.00, and (2) any person who knowingly prepares, assists in preparing, files or acquiesces in the filing of any report from which the identity of any contributor has been excluded contrary to the provisions of this section is subject to the provisions of section 21 of this act, but (3) nothing in this proviso shall be construed as requiring any candidate reporting pursuant to this act to report the amounts, dates or other circumstantial data regarding contributions made to any other candidate, political committee or committee of a political party.

Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affair held since the date of the most recent report filed, which accounting shall include the names and addresses of each contributor in excess of \$100.00 to such testimonial affair and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of such testimonial affair.

C. 19:44A-17 Statements to be filed with commission by certain depositories.

17. Within 15 days after the primary or general election, each campaign depository of a candidate, of a State, county or municipal committee of a political party or of a political committee and each depository of a political information organization shall file with the Election Law Enforcement Commission the originals or true copies of the statements filed with such depositories by the treasurers or deputy treasurer pursuant to sections 12 and 15, together with true copies of ledger sheets and deposit tickets of a campaign fund or political information organization fund account or accounts as of the date on which they are transmitted to the commission by the depository.

C. 19:44A-18 Report of contributions received, expenditures made, or activities conducted after date set for final report subsequent to election.

18. If any former candidate or any political committee or any political information organization or any person or association of persons in behalf of such political committee or former candidate or organization shall receive any contributions or make any expenditures with relation to any election after the date set in section 16 of this act for the final report subsequent to such election, or shall conduct any testimonial affair or public solicitation for the purpose of raising funds to cover any part of the expenses of a candidate or political committee or organization in such election, all such contributions, expenditures, testimonial affairs or public solicitations shall be reported to the Election Law Enforcement Commission by the person or persons receiving such contributions or making such expenditures or conducting such testimonial affairs or public solicitations. Such report shall be made by any person receiving any such contribution or contributions, or making any such expenditure or expenditures, which in the aggregate total more than \$100.00, or conducting any testimonial affair or public solicitation of which the net proceeds exceed \$100.00; and shall be made within 20 days from the date upon which the aggregate of such contributions, expenditures or proceeds exceeds \$100.00 for the period commencing with the fifteenth day following such election or with the date upon which any previous report was made pursuant to this section, whichever is soonest. Such report shall be made in the same form and shall contain the same detail prescribed for any other report made pursuant to section 8 or 16 of this act.

C. 19:44A-19 Conduct of public solicitation; conditions; report.

19. a. No person shall conduct any public solicitation as defined in this act except (1) upon written authorization of the campaign treasurer of the candidate, party committee or political committee on whose behalf such solicitation is conducted, or (2) upon written authorization of the treasurer of a political information organization, or (3) in accordance with the provisions of subsection c. of this section. A person with such written authorization may employ and accept the services of others as solicitors, and shall be responsible for reporting to the treasurer the information required under subsection b. of this section and for delivery to the treasurer the net proceeds of such solicitation in compliance with sections 11 and 14 of this act. A contribution made through donation or purchase in response to a public solicitation conducted pursuant to written

authorization of a treasurer shall be deemed to have been made through such treasurer.

b. Whenever a public solicitation has been authorized by a treasurer during a period covered by a report required to be filed under sections 8 and 16 of this act, there shall be filed with such report and as a part thereof an itemized report on any such solicitation of which the net proceeds exceed \$100.00, in such form and detail as required by the rules of the Election Law Enforcement Commission, which report shall include:

(1) the name of the person authorized to conduct such solicitation, and the method of solicitation;

(2) the gross receipts and expenses involved in the solicitation including the actual amount paid for any items purchased for resale in connection with the solicitation or, if such items or any portion of the cost thereof was donated, the estimated actual value thereof and the actual amount paid therefor, and the names and addresses of any such donors. If it is not practicable for such itemized report to be completed in time to be included with the report due under sections 8 and 16 of this act for the period during which such solicitation was held, then such itemized report may be omitted from said report and if so omitted shall be included in the report for the next succeeding period.

c. Notwithstanding the provisions of subsection b. of this section, it shall be lawful for any natural person, not acting in concert with any other person or group, to make personally a public solicitation the entire proceeds of which, without deduction for the expenses of solicitation, are to be expended by him personally or under his personal direction to finance any lawful activity in support of or opposition to any candidate or public question or to provide political information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of legislation; provided, however, that any individual making such solicitation who receives gross contributions exceeding \$100.00 in respect of activities relating to any one election shall be required to make a report stating (1) the amount so collected, (2) the method of solicitation and (3) the purpose or purposes for which the funds so collected were expended and the amount expended for each such purpose. Such report shall be made either

(1) to the treasurer of the candidate, political party committee, political committee or political information organization on whose behalf such funds were collected and expenditures made, or to his

deputy, who shall cause the same to be included in this report to the Election Law Enforcement Commission subject to the provisions of sections 8 and 16 of this act; or,

(2) directly to the Election Law Enforcement Commission at the same time and in the same manner as a political committee or political information organization subject to the provisions of section 8 of this act.

d. Contributions or purchases made in response to a public solicitation conducted in conformity with the requirements and conditions of this act shall not be deemed anonymous within the meaning of sections 11, 14 and 20 of this act.

e. No person contributing in good faith to a public solicitation not duly authorized in compliance with the provisions of this act shall be liable to any penalty under this act by reason of having made such contribution.

C. 19:44A-20 Prohibited contributions and solicitations.

20. No contribution of money or other thing of value, nor obligation therefor, shall be made, and no expenditure of money or other thing of value, nor obligation therefor, shall be made or incurred whether anonymously, in a fictitious name, or by one person or group in the name of another, to support or defeat a candidate in a primary or general election or to aid the passage or defeat of any public question or to provide political information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of legislation. No person shall contribute, or purport to contribute, to any political candidate, party committee, political committee or political information organization funds or property not actually belonging to him and in his full custody and control, or which has been given or furnished to him by any other person or groups for the purpose of making a contribution thereof, except in the case of group contributions by persons who are members of the contributing group. No treasurer, candidate or member of a party committee, political committee or political information organization shall solicit or knowingly accept, agree to accept or concur in or abet the solicitation or acceptance of any contribution contrary to the provisions of this section.

C. 19:44A-21 Penalties.

21. a. Any person who willfully and knowingly and with intent to conceal or misrepresent contributions given or received or expenditures made or incurred to aid or promote the nomination, election or defeat of any candidate for public office or party posi-

tion, or to aid or promote the passage or defeat of a public question in any election, or to aid the dissemination of political information in connection with any election makes or accepts any contribution or makes or incurs any expenditure in violation of sections 7, 11, 14 or 20 of this act is guilty of a misdemeanor.

b. Any person who willfully and knowingly files or prepares or assists in the preparation for filing or acquiesces in the preparation or filing of any report required under this act which is false, inaccurate or incomplete in any material particular; or who willfully and knowingly fails or refuses to file any such report when required to do so pursuant to the provisions of this act; or who willfully supplies any information which he knows to be false, inaccurate or incomplete to any person preparing or assisting in the preparation of any such report, with the knowledge that such information is intended for the purposes of such report, is guilty of a misdemeanor.

c. The nomination for or election to any office of any candidate who is guilty of any violation within the description of subsection a. or b. of this section shall be void, and the office shall be filled as required by law in the case of a vacancy; provided, however, that nothing herein contained shall be construed in derogation of the constitutional authority of either House of the Legislature to be the judge of the election and qualification of its own members.

C. 19:44A-22 Failure to file reports; filing false reports; penalties.

22. a. Any person charged with the responsibility under the terms of this act for the filing of any reports or other documents required to be filed pursuant to this act who fails, neglects or omits to file any such report or document at the time and in the manner prescribed by law, or who omits or incorrectly states any of the information required by law to be included in such report or document, shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$1,000.00 for the first offense and not more than \$2,000.00 for the second and each subsequent offense.

b. Upon receiving evidence of any violation of this section, the Election Law Enforcement Commission shall have power to hold, or to cause to be held under the provisions of subsection d. of this section, hearings upon such violation and, upon finding any person to have committed such a violation, to assess such penalty, within the limits prescribed in subsection a. of this section, as it deems proper under the circumstances, which penalty shall be paid forthwith into the State Treasury for the general purposes of the State.

Such penalty shall be enforceable in a summary proceeding under the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).

c. In assessing any penalty under this section, the Election Law Enforcement Commission may provide for the remission of all or any part of such penalty conditioned upon the prompt correction of any failure, neglect, error or omission constituting the violation for which said penalty was assessed.

d. The commission may designate a hearing officer to hear complaints of violations of this act. Such hearing officer shall take testimony, compile a record and make factual findings, and shall submit the same to the commission, which shall have power to assess penalties within the limits and under the conditions prescribed in subsections b. and c. of this section. The commission shall review the record and findings of the hearing officer, but it may also seek such additional testimony as it deems necessary. The commission's determination shall be by majority vote of the entire authorized membership thereof.

C. 19:44A-23 Construction of act.

23. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized.

C. 19:44A-24 Inconsistent acts superseded.

24. All acts and parts of acts, rules and regulations issued thereunder inconsistent in whole or in part with the provisions of this act are to such extent superseded.

C. 19:44A-25 Partial invalidity.

25. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

C. 19:44A-26 Repealed acts.

26. The following acts or parts of acts are repealed.

a. R. S. 19:3-8, 19:34-36 and 19:34-37.

b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised Statutes.

c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

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

Maintenance of party organization.

19:5-5. Any State committee, county committee or municipal committee of any political party may receive and disburse moneys for the general purposes of maintaining such organization during the whole or any part of the year. The expenses for maintenance of organization shall be confined to the hiring or acquisition of suitable quarters for meetings of such committee, for stationery, for hiring of necessary clerks, for the expenses of notices of the meetings of such committee, for giving publicity to the policies and candidates of their respective party organizations, and other expenses incidental to the maintenance of such organization.

28. The sum of \$150,000.00 is hereby appropriated to the Election Law Enforcement Commission for the fiscal year ending June 30, 1973, for the purpose of carrying out the provisions of this act.

29. This act shall take effect immediately; provided, however, that the reporting requirements contained in section 8 and section 16 of this act shall remain inoperative for 90 days after the effective date.

Approved April 24, 1973.

CHAPTER 84

AN ACT concerning the residency of certain tax collectors and treasurers in certain municipalities and supplementing chapter 81 of Title 40 of the Revised Statutes.

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

C. 40:81-11a Residency of certain tax collectors and treasurers in certain municipalities.

1. Notwithstanding any other provisions of law to the contrary, any municipality governed by this subtitle may by ordinance provide that any person who is appointed to or holds, at the same time, both the office of tax collector and the office of treasurer in any such municipality need not reside within the said municipality in order to hold such offices. Such offices shall not be deemed vacated by a change of residence of any such person.

2. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 85

AN ACT to amend “An act concerning medical and dental education and revising and repealing parts of the statutory law,” approved June 16, 1970 (P. L. 1970, c. 102).

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

1. Section 20 of P. L. 1970, c. 102 (C. 18A:64G-20) is amended to read as follows:

C. 18A:64G-20 Payment of certain benefits prohibited; exceptions.

20. No retirement, death, or other benefits shall be payable by the State or the college to such former municipal employees, except that the board of trustees is hereby authorized and permitted to pay death benefits on behalf of certain former municipal employees of the hospital who continue as employees of the college, as specified below, and to include in the annual budgets of the college such amounts as the board of trustees expects may be required to pay such benefits.

Upon death prior to retirement, the board of trustees may pay death benefits on behalf of former municipal employees of the hospital who, following the acquisition of the hospital by the college, have continued as employees of the college and, with respect to whom, no death benefit is payable either (a) under section 23 of P. L. 1954, c. 218, as amended and supplemented (C. 43:13-22.25) or (b) under sections 41, 45, 46, 48 or 49 of P. L. 1954, c. 84 as amended and supplemented (C. 43:15A-41, 43:15A-45, 43:15A-46, 43:15A-48 and 43:15A-49).

The amount of benefits provided for each person specified above shall not exceed an amount equal to such person's annual salary as the employee of the college received at the time of death. If the Employees' Retirement System of the city of Newark, established pursuant to said P. L. 1954, c. 218, as amended and supplemented from time to time, provides any other death benefit with respect to any employee of the college, exclusive of a return of contributions, the amount of death benefit pursuant to this provision shall be reduced by the amount of such other death benefit provided with respect to such employee under said system.

Any person on behalf of whom the board of trustees may provide such death benefit may designate a beneficiary and may from time

to time change his designation, by filing written notice thereof, over his signature, with the board of trustees. If at the death of a person with respect to whom a death benefit is payable there be no surviving designated beneficiary as to all, or any part of his death benefit, then the amount of death benefit, payable for which there is no surviving designated beneficiary shall be payable to the person or persons listed below surviving as of the date of his death in the following order of precedence: (1) to the widow or widower of such person; (2) if neither of the aforementioned, to the child or children of the person, in equal shares, and descendants of deceased children by representation; (3) if none of the aforementioned, to the parents of such person, in equal shares or the survivor of them; (4) if none of the aforementioned, to the duly appointed executor or administrator of the estate of such person; (5) if none of the aforementioned, to other next of kin of such person as may be determined by the board of trustees to be entitled under the laws of the domicile of such person at the time of his death.

2. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 86

AN Act authorizing the issuance of special running race permits for the year 1973 in certain cases and supplementing P. L. 1970, c. 17 (C. 5:5-22 et seq.).

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

1. a. Notwithstanding any of the provisions of the act to which this is a supplement, the commission may grant a special permit, upon application of a holder or holders of the outstanding permits authorizing running races in this State, for the holding or conducting of a special running race meeting or meetings at the Monmouth Park Jockey Club and the Atlantic City Race Course, or either thereof on such days, other than Sunday, during the entire calendar year of 1973 as the commission may designate. Such special running race meetings shall not exceed 45 racing days in the aggregate during such calendar year.

b. After deducting the costs and expenses of such a special race meeting to be retained by the owners of the facility at which a special race meeting is conducted and payment to the commission of

sums required under the act to which this act is a supplement, the balance shall be divided equally among all 1973 running race meeting permit holders. The costs and expenses authorized to be retained by the owners of the facility at which a special race meeting is conducted shall be prescribed by the commission.

2. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 87

AN ACT concerning the disposal of breakage at race meetings during the year 1973 and supplementing P. L. 1940, chapter 17 (C. 5:5-22 et seq.).

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

1. Notwithstanding any of the provisions of the act to which this is a supplement, the breakage, as defined in section 44 of said act (C. 5:5-64), accruing from all race meetings held in 1973, minus such portion of said breakage necessary to make up any deficiencies pursuant to said section 44, shall be allotted in the following manner:

a. 75% shall be deposited in a special trust account and distributed equally among the race permit holders, which moneys shall be used exclusively for the purpose of increasing overnight purses; and

b. 25% shall be deposited in a special trust account for the establishment and support by the commission of Sire Stake or Breeders Award Programs, which moneys shall be disbursed by the commission as it deems appropriate for the benefit of the thoroughbred and standardbred racing and breeding industry in the State.

c. The commission may authorize proportional payments from the total funds specified in a. and b. above to any or all race permit holders for the purpose of assisting them in keeping their track and stable facilities open during periods of time when they are not normally in operation.

The special trust account to be established pursuant to paragraph b. shall be separate and apart from any special trust account established and maintained pursuant to section 46 (C. 5:5-66).

2. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 88

AN ACT concerning penal and correctional institutions and supplementing Title 30 of the Revised Statutes.

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

C. 30:4-3.3 Correspondence of inmates in a language other than English.

1. Subject to rules and regulations to be issued by the Division of Correction and Parole every State and county penal and correctional institution shall permit incoming and outgoing correspondence of the inmates thereof to be in a language other than English.

2. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 89

A SUPPLEMENT to "An act concerning municipalities, providing a plan of optional charters and for the manner of adoption and effect thereof," approved June 8, 1950 (P. L. 1950, c. 210).

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

C. 40:69A-60.5 Aides for councilmen; appointment, removal, salary.

1. The municipal council of any municipality having a population of more than 250,000 which has adopted or shall hereafter adopt the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint not more than one aide for each councilman, who shall serve, and be removable at the pleasure of the councilman, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance, but said salary shall not exceed \$7,500.00.

C. 40:69A-60.6 Council to prescribe powers and duties.

2. The municipal council shall prescribe, in writing, the powers and duties of the aide.

3. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 90

AN ACT concerning the registration of motor vehicles in certain cases, and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C. 39:3-22a Registration of certain motor vehicles on or after October 1; fee.

1. If application is made for the registration of a motor vehicle, other than a passenger automobile or motorcycle, or for the registration of a commercial motor vehicle, trailer, semitrailer, tractor or omnibus, on or after October 1 in any year, the applicant shall pay only $\frac{1}{2}$ of the registration fee provided for in the class to which such vehicle belongs.

2. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 91

AN ACT concerning the courts, authorizing the appointment of certain personnel and amending N. J. S. 2A:1-6 and N. J. S. 2A:2-7.

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

1. N. J. S. 2A:1-6 is amended to read as follows:

Deputy clerk; assistants to the clerk.

2A:1-6. The Supreme Court shall appoint, to serve at its pleasure, and shall fix the salary of a deputy clerk of the Supreme Court, who shall not be subject to the provisions of Title 11, Civil Service, of the Revised Statutes. The clerk of the Supreme Court shall select and employ such other necessary assistants for his office in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes.

2. N. J. S. 2A:2-7 is amended to read as follows:

Deputy clerk; assistants to the clerk.

2A:2-7. The Supreme Court shall appoint, to serve at its pleasure, and shall fix the salary of a deputy clerk of the Superior Court who shall be clerk of the Appellate Division of the Superior Court and who shall not be subject to the provisions of Title 11, Civil Service, of the Revised Statutes. The clerk of the Superior Court shall select and employ such other necessary assistants for his office in accordance with the provisions of Title 11 of the Revised Statutes.

3. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 92

A SUPPLEMENT to "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

C. 43:16A-48.1 Eligibility of certain county personnel for membership.

1. Eligibility for membership in the Police and Firemen's Retirement System of New Jersey shall be extended to all active, permanent and full-time, uniformed officers of any county police department, county park police department, or county park commission who are otherwise eligible in accordance with the provisions of this act.

C. 43:16A-48.2 Transfer to and enrollment in Police and Firemen's System.

2. a. An eligible officer who is a member of a pension fund established by a county or a county park commission or of the Public Employees' Retirement System shall be permitted to transfer his membership in said fund to the Police and Firemen's Retirement System of New Jersey by waiving all rights and benefits which would otherwise be provided by the county or county park commission pension fund or by the Public Employees' Retirement System. Any such officer will likewise be permitted to continue his membership in the county or county park commission pension fund or in the Public Employees' Retirement System by waiving all rights and

benefits which would otherwise be provided by the Police and Firemen's Retirement System. Such waivers shall be accomplished by filing forms satisfactory to the New Jersey State Division of Pensions, which is responsible for the administration of the Police and Firemen's Retirement System, within 90 days of the effective date of this act. In the absence of the filing of a timely waiver by any eligible officer his pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System.

b. Each new officer who begins employment following the effective date of this act and who is otherwise eligible, shall be required to enroll in the Police and Firemen's Retirement System of New Jersey as a condition of employment, provided he is otherwise eligible for membership by meeting the appointment, age, and health prescriptions required of all members. As of the effective date of this act, the eligibility of membership for such new officers in the county or county park commission pension fund or in the Public Employees' Retirement System shall be terminated and the membership requirements of such other funds will be deemed satisfied by the enrollment of such employees in the Police and Firemen's Retirement System.

c. All officers who, prior to the effective date of this act, were not required to become and who are not members of county or county park commission pension funds or the Public Employees' Retirement System, and who anticipate the receipt of a pension from the county under the provisions of chapter 4 of Title 43 of the Revised Statutes or the "General Noncontributory Pension Act" P. L. 1955, c. 263 (C. 43:8B-1 et seq.), shall continue their eligibility for such pension to be paid by the county and shall not be permitted to enroll in the Police and Firemen's Retirement System of New Jersey.

C. 43:16A-48.3 Accumulated deductions of transferred employees to be remitted to Police and Firemen's System.

3. Within 120 days following the effective date of this act the county or county park commission pension funds and the Public Employees' Retirement System shall remit to the Police and Firemen's Retirement System of New Jersey all accumulated deductions standing to the credit of each transferred employee as members of such funds, and within 180 days following the effective date of this act remit the pro-rata part of the reserve fund constituting the employer's obligations under the former system applicable to such employee's account, and the Police and Firemen's

Retirement System shall then enter the respective sums so remitted to it to the credit of such employee in the Annuity Savings Fund and to the credit of the employer in the Pension Accumulation Fund of the Police and Firemen's Retirement System of New Jersey. Interest at the rate of 6% per annum shall be added to the employer's obligation if such moneys are not remitted within the periods prescribed by this section.

C. 43:16A-48.4 Contribution obligation, rights and benefits of transferred employees.

4. The transferred employees thereby affected shall be members of the Police and Firemen's Retirement System and deductions from their salaries and contributions on their behalf shall thereafter be made as required by the act creating such system for members thereof. Such transferred employees shall have the same contribution obligation and enjoy the same rights and benefits of all other members of the system except as provided by this act. Any credit for public service which had been established in the county or county park commission pension funds or in the Public Employees' Retirement System by the transferred employee shall be established in the Police and Firemen's Retirement System.

Upon the transfer of membership to the Police and Firemen's Retirement System under the provisions of this act, the rate of contribution of such member shall be determined by the rates payable by other members, except that the number of years of credited service in the former pension fund shall be deducted from the member's current age in order to fix the age upon which the rate of contribution is based.

C. 43:16A-48.5 Evidence of insurability for group life insurance benefits.

5. a. Any person becoming a member of the Police and Firemen's Retirement System pursuant to the provisions of this act shall not be allowed any of the group life insurance benefits if on the date he files an application for enrollment he is 55 or more years of age, unless he furnishes satisfactory evidence of insurability and on the effective date of membership is actively at work and performing all his regular duties at his customary place of employment. The effective date of coverage for such benefits shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

b. Such evidence of insurability will not be required of any person becoming a member upon transfer from the Public Employees' Retirement System, if the transferring employee was covered by

such benefits in the latter system at the time of the transfer. If such transferring employee was not covered by such benefits at the time of the transfer, he may be allowed the benefits under the group life insurance policy or policies subject to the provisions of subsection a. of this section; provided, however, that any such employee must furnish satisfactory evidence of insurability under the provisions of subsection a. of this section, if he had been unable or failed to give such evidence as a member of the Public Employees' Retirement System.

C. 43:16A-48.6 Calculation and payment to fund of liability of each employer of transferred employees.

6. The actuary of the Police and Firemen's Retirement System shall calculate the liability of each employer of employees becoming members of the system under this act in the same manner as is specified in the case of other employees where the Police and Firemen's Retirement System is adopted, taking into account the value of moneys remitted by the pension funds. In the event that the value of such money so remitted is less than the total which is required by the Police and Firemen's Retirement System to provide the transferred member with credit for his public service, the liability of the employer shall include an amount equal to the difference between these two values. Upon certification by the actuary of the Police and Firemen's Retirement System each employer shall make such contributions as are required in order to meet his financial obligations in the same manner and within the same period of time as is specified in the case of other employers where the Police and Firemen's Retirement System of New Jersey is adopted.

C. 43:16A-48.7 Information to be transmitted by employer.

7. The chief fiscal officer of each employer shall transmit to the retirement system such information as the system shall require in order for the New Jersey State Division of Pensions to comply with the provisions of this act.

8. This act shall take effect immediately.

Approved April 24, 1973.

CHAPTER 93

AN ACT concerning education and amending N. J. S. 18A:4-3.

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

1. N. J. S. 18A:4-3 is amended to read as follows:

Membership qualifications.

18A:4-3. The State Board of Education shall consist of the Chancellor of Higher Education who shall be a member ex officio without vote and the chairman of the Board of Higher Education or his designee, who shall be a citizen member of the board of higher education, and 12 members who shall be citizens of the State who have resided therein for not less than 5 years immediately preceding their appointment, not less than three of whom shall be women and not more than one of whom shall be appointed from the residents of any one county.

2. This act shall take effect immediately.

Approved April 25, 1973.

CHAPTER 94

AN ACT concerning unemployment compensation and amending
R. S. 43:21-19.

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

1. R. S. 43:21-19 is amended to read as follows:

Definitions.

43:21-19. Definitions. As used in this chapter (R. S. 43:21-1 et seq.) unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last 3 or 5 preceding calendar

years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior 3 or 5 calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of section 43:21-7 of this Title means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund for the last 3 or 5 preceding calendar years, whichever average is higher; provided further, that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12 months' period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R. S. 43:21-1 et seq.), with respect to his unemployment.

(c) "Base year" with respect to benefit years commencing on or after January 1, 1953, shall mean the 52 calendar weeks ending with the second week immediately preceding an individual's benefit year.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of section 43:21-6 of this Title shall be deemed to be a "valid claim" for the purpose of this subsection if (1) no remuneration was paid or is payable for the day on which, or as of which he files a claim for benefits, and no work is available to him with his current employing unit on such day, or, he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of section 43:21-4 of this Title.

(e) "Division" means the Division of Employment Security of the Department of Labor and Industry established by c. 446, P. L. 1948, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R. S. 43:21-1 et seq.), shall be deemed to be performed by the division.

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund required by R. S. 43:21-7. "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions as provided in section 3 or section 4 of this act (C. 43:21-7.2 and 43:21-7.3).

(g) "Employing unit" means any individual or type of organization, including the State, its political subdivisions, the State and one or more other states, and the instrumentalities of the State and of the State and one or more other states any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R. S. 43:21-1 et seq.). Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R. S. 43:21-1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided, the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which after December 31, 1971, in either the current or the preceding calendar year paid remuneration for employment in the amount of \$1,000.00 or more;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter (R. S. 43:21-1 et seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit for which service in employment as defined in R. S. 43:21-19 (i) (1) (B), is performed after December 31, 1971;

(6) Any employing unit for which service in employment as defined in R. S. 43:21-19 (i) (1) (C) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of \$1,000.00 or more;

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any Federal tax against which credit may be taken for contributions required to be paid into a State unemployment fund; or which, as a condition for approval of the Unemployment Compensation Law for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required pursuant to such act to be an employer under this chapter (R. S. 43:21-1 et seq.);

(8) Any employing unit which, having become an employer under paragraphs (1), (2), (3), (4), (5), (6) or (7) has not, under section 43:21-8 ceased to be an employer subject to this chapter (R. S. 43:21-1 et seq.); or

(9) For the effective period of its election pursuant to R. S. 43:21-8 any other employing unit which has elected to become fully subject to this chapter (R. S. 43:21-1 et seq.);

(10) For the purposes of paragraphs (1) and (6), employment shall include service which would constitute employment but for the fact that such services deemed to be performed entirely within another state pursuant to an election under an arrangement entered into under R. S. 43:21-21 between this State and an agency

charged with the administration of any other state or Federal Unemployment Compensation Law.

(11) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section.

(i) (1) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in the Unemployment Compensation Law (R. S. 43:21-1 et seq.) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied.

(B) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from employment under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (8) of that act, if such service is not excluded from employment under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) in the employ of a school which is not an institution of higher education;

(iv) in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency

or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work;

(v) as part of an unemployment work-relief or work-training program assisted in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work relief or work training; or

(vi) for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution.

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands) after December 31, 1971 in the employ of an American employer (other than the service which is deemed employment under the provisions of paragraphs 43:21-19 (i) (2) or (5) or the parallel provisions of another State's Unemployment Compensation Law), if

(E) (i) The American employer's principal place of business in the United States is located in this State; or

(E) (ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State; or (II) the American employer is a corporation which is organized under the laws of this State; or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of any other state; or

(E) (iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the Unemployment Compensation Law (R. S. 43:21-1 et seq.) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State.

(E) (iv) An "American employer" for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States; or (II) a partnership if $\frac{2}{3}$ or more of the partners are residents of the United States; or (III) a trust, if all the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state.

(F) Notwithstanding R. S. 43:21-19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State.

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any Federal law imposing a tax against which credit may be taken for contributions required to be paid into a State unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the Unemployment Compensation Law (R. S. 43:21-1 et seq.).

(H) The term "United States" when used in a geographical sense in subsection R. S. 43:21-19 (i) includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the Federal Government.

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an Unemployment Compensation Law of any other state or of the Federal Government, shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election

that the entire service of such individual shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.).

(5) Service shall be deemed to be localized within a state if

(A) the service is performed entirely within such state; or

(B) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.) unless and until it is shown to the satisfaction of the division that

(A) such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(B) such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) such individual is customarily engaged in an independently established trade, occupation, profession or business.

(7) Provided that such services are also exempted under the Federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a State Unemployment Fund as a condition for a tax offset credit against the tax imposed by the Federal Unemployment Tax Act, as amended, the term "employment" shall not include

(A) Agricultural labor;

(B) Domestic service in a private home;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

(D) Service performed in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions except as provided in R. S. 43:21-19 (i) (1) (B) above, and service in the employ of the South Jersey Port Commission or its successors;

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions: to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the

Federal Unemployment Tax Act, as amended, except as provided in R. S. 43:21-19 (i) (1) (B) above;

(F) Service performed in the employ of the United States Government or of an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the Unemployment Compensation Law, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a State Unemployment Compensation Law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided, that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the Federal Internal Revenue Code (26 U. S. C., sec. 3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner, and within the same period as is provided in R. S. 43:21-14 (f) with respect to contributions erroneously paid to or collected by the division;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents, or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theatre, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than \$1,000.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses;

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee;

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organization Immunities Act (22 U. S. C. 288 et seq.);

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or Federal

Unemployment Compensation or Employment Security Law, in accordance with an arrangement pursuant to R. S. 43:21-21 during the effective period of such election;

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance;

(U) Service performed by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital; service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State; and service performed as an intern in the employ of a hospital by an individual who has completed a 4-year course in a medical school approved pursuant to the law of this State.

(8) If $\frac{1}{2}$ or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment; but if less than $\frac{1}{2}$ of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for

which a payment for service is ordinarily made by an employing unit to individuals in its employ.

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) "Fund" means the unemployment compensation fund established by this chapter (R. S. 43:21-1 et seq.), to which all contributions required and from which all benefits provided under this chapter (R. S. 43:21-1 et seq.) shall be paid.

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) Unemployment.

(1) An individual shall be deemed "unemployed" for any week during which he is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided, such vacation is not the result of the individual's voluntary action.

(2) The term "remuneration," with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or \$5.00 whichever is the larger.

(3) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the division may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R. S. 43:21-1 et seq.), from which administrative expenses under this chapter (R. S. 43:21-1 et seq.) shall be paid.

(o) "Wages" means remuneration paid by employers for employment; provided, however, that for eligibility and benefit purposes wages earned but not paid when the amount thereof has been calculated and is due as determined by the established and customary practices of the employer shall be construed as having been paid when earned. If a worker receives gratuities regularly in the course of his employment from others than his employer, his "wages" shall also include the gratuities so received if reported in writing to his employer in accordance with regulations of the Division of Employment Security, and if not so reported, his "wages" shall be determined in accordance with the minimum

wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount or remuneration actually received by the employee from his employer, whichever is the higher.

(p) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means such period or periods of 7 consecutive days ending at midnight, as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of 3 consecutive calendar months ending on March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in paragraph 1-a of c. 322 of the laws of 1938, entitled "An act concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'investment companies.'"

(t) "Base week" means any calendar week of an individual's base year during which he earned in employment from an employer remuneration equal to not less than \$15.00; provided, if in any calendar week, an individual is in employment with more than one employer, he may in such calendar week establish a base week with respect to each such employer from whom the individual earns remuneration equal to not less than \$15.00 during such week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 17 base weeks, by the number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 17 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

If on application of a claimant it is determined that he has been employed during at least the 4 weeks immediately preceding his separation from employment by an employer on a substantially reduced schedule of weekly hours due to lack of work, all weeks of substantially reduced schedule within the base period and his wages therefor shall be disregarded in computing his average weekly wage.

(v) "Initial determination" means, subject to the provisions of R. S. 43:21-6 (b) (2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year. Subject to the provisions of R. S. 43:21-3 (d) (3) if an individual has been in employment in his base year with more than one employer, no benefits shall be paid to that individual under any successive initial determination until his benefit rights have been exhausted under the next preceding initial determination.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed services in employment in the base year.

(y) "Institution of higher education" means an educational institution which

(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized in this State to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital.

2. This act shall take effect immediately.

Approved April 25, 1973.

CHAPTER 95

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 2 of P. L. 1945, c. 162 (C. 54:10A-2) is amended to read as follows:

C. 54:10A-2 Franchise tax; annual payment in lieu of taxes upon intangible personal property; "doing business in state" defined.

2. Every domestic or foreign corporation which is not hereinafter exempted shall pay an annual franchise tax for the year 1946 and each year thereafter, as hereinafter provided, for the privilege of having or exercising its corporate franchise in this State, or for the privilege of doing business, employing or owning capital or property, or maintaining an office, in this State. And such franchise tax shall be in lieu of all other State, county or local taxation upon or measured by intangible personal property used in business by corporations liable to taxation under this act but, whenever such corporation holds shares of stock in a bank as defined in R. S. 54:9-1, and such bank has not elected to have the taxable value of such shares assessed to it and to pay the tax levied against such shares as provided in R. S. 54:9-14, or, having made such election, such bank subsequently revokes it, the provisions of this section shall not exempt such shares of stock from the tax imposed by chapter 9 of Title 54 of the Revised Statutes.

A foreign corporation shall not be deemed to be doing business, employing or owning capital or property in the State, for the purposes of this act, by reason of (1) the maintenance of cash balances with banks or trust companies in this State, or (2) the ownership of shares of stock or securities in this State if such shares or securities are pledged as collateral security, or deposited with one or more banks or trust companies or brokers who are members of a recognized security exchange, in safekeeping or custody accounts, or (3) the taking of any action by any such bank or trust company or broker, which is incidental to the rendering of safekeeping or custodian service to such corporation.

2. This act shall take effect immediately and shall apply to all taxes payable in the year 1973 and each year thereafter.

Approved April 25, 1973.

CHAPTER 96

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election are hereby ratified, validated and confirmed, notwithstanding that such proposal did not contain a provision expressly authorizing the issuance of bonds to finance the cost of the purpose authorized therein, and notwithstanding that the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all bonds and notes of the school district then issued and outstanding or authorized but unissued less the amount of any sinking funds held for payment of the same, exceeded any limitation or other restriction prescribed by N. J. S. 18A:24-19, and such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of N. J. S. 18A:24-20 and 18A:24-22, provided however that the amount of bonds to be issued to finance the cost of said purpose shall not exceed the amount authorized in said proposal to be expended for said purpose; and provided further that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved April 25, 1973.

CHAPTER 97

AN ACT validating certain redistricting, division or adjustment of election districts in municipalities.

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

Validating act.

1. Any redistricting, division or adjustment of election districts made in any municipality after January 1, 1973 and prior to March 1, 1973 pursuant to the provisions of R. S. 19:4-6 is hereby validated and confirmed, notwithstanding that the resolution of the governing body of the municipality confirming such redistricting, division or adjustment was not adopted and submitted to the county board of elections on or before March 1, 1973; provided, however, such resolution has been or shall have been adopted by the governing body of the municipality and delivered to the county board of elections prior to the effective date of this act.

2. This act shall take effect immediately.

Approved April 25, 1973.

CHAPTER 98

AN ACT to amend "An act concerning security for deposits of governmental units in banks, savings banks and savings and loan associations," approved October 27, 1970 (P. L. 1970, c. 236).

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

1. Section 1 of P. L. 1970, c. 236 (C. 17:9-41) is amended to read as follows:

C. 17:9-41 Definitions.

1. In this act, unless the context otherwise requires:

"Association" means any State or Federally chartered savings and loan association;

"Capital funds" means (a) in the case of a state bank or national bank the aggregate of the capital stock, surplus and undivided

profits of the bank; (b) in the case of a savings bank the aggregate of the capital deposits, if any, and the surplus of the savings bank; and (c) in the case of an association, the aggregate of all reserves required by any law or regulations, and the undivided profits, if any, of the association;

“Commissioner” means the Commissioner of Banking;

“Defaulting depository” means a public depository as to which an event of default has occurred;

“Eligible collateral” means obligations of or guaranteed by the United States, obligations of or guaranteed by the State of New Jersey, obligations of governmental units, including, but not limited to, capital notes, bond anticipation notes, tax anticipation notes and temporary notes or loan bonds, mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest to the extent of such insurance or guarantee, and any other obligations now or hereafter authorized by law as security for public deposits;

“Event of default” means issuance of an order of a supervisory authority or of a receiver restraining a public depository from making payments of deposit liabilities;

“Governmental unit” means any county, municipality, school district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds;

“Maximum liability” of a public depository means, with respect to any event of default, a sum equal to 5% of the average daily balance of collected public funds held on deposit by the depository during the 6-month period ending on the last day of the month next preceding the occurrence of such event of default;

“Net deposit liability” means the deposit liability of a defaulting depository to a governmental unit after deduction of any deposit insurance with respect thereto;

“Public depository” means a state bank, a national bank, a savings bank or an association located in this State, the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, and which receives or holds public funds on deposit;

“Public funds” means the funds of any governmental unit;

“Valuation date” means December 31 and June 30.

2. Section 4 of P. L. 1970, c. 236 (C. 17:9-44) is amended to read as follows:

C. 17:9-44 Collateral as security.

4. a. Every public depository having public funds on deposit therein shall, as security for such deposits, maintain eligible collateral having a market value at least equal to either (1) 5% of the average daily balance of collected public funds on deposit during the 6-month period ending on the next preceding valuation date, or (2), at the election of the depository, at least equal to 5% of the average balance of collected public funds on deposit on the first, eighth, fifteenth and twenty-second days of each month in the 6-month period ending on the next preceding valuation date, but no public depository shall be required to maintain any eligible collateral pursuant to this act as security for any deposit or deposits of any governmental unit to the extent that such deposit or deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or by any other agency of the United States which insures deposits made in public depositories. In the case of any public depository which has not held public funds on deposit for all of such 6-month period, the commissioner shall prescribe the amount of eligible collateral required to be maintained. Depositories shall have the right to make substitutions of eligible collateral at any time. The income from eligible collateral shall belong to the public depository without restriction.

b. No public depository shall at any time receive and hold on deposit for any period in excess of 15 days public funds of a governmental unit or governmental units which, in the aggregate, exceed 75% of the capital funds of the depository, unless such depository shall, in addition to the security required to be maintained under paragraph a. of this section, secure such excess by eligible collateral with a market value at least equal to 100% of such excess.

c. All collateral required to be maintained shall be deposited with the Federal Reserve Bank of New York, the Federal Reserve Bank of Philadelphia, the Federal Home Loan Bank of New York, as the case may be, or with any other banking institution located in this State or a contiguous state which is a member of the Federal Reserve System and has capital funds of not less than \$25,000,000.00. Notwithstanding the foregoing, the commissioner may authorize public depositories to hold and maintain the required collateral in such a manner as he deems consistent with the purposes of this act.

d. The market value of eligible collateral maintained pursuant to this section on any valuation date shall be presumed to be the market value of such collateral until the next succeeding valuation date.

3. This act shall take effect immediately.

Approved April 25, 1973.

CHAPTER 99

AN ACT to amend the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48).

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

1. Section 5 of P. L. 1964, c. 48 (C. 54:4-23.5) is amended to read as follows:

C. 54:4-23.5 Land deemed actively devoted to agricultural or horticultural use.

5. Land, five acres in area, shall be deemed to be actively devoted to agricultural or horticultural use when the gross sales of agricultural or horticultural products produced thereon together with any payments received under a soil conservation program have averaged at least \$500.00 per year during the 2-year period immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$500.00 within a reasonable period of time.

In addition, where the land is more than five acres in area, it shall be deemed to be actively devoted to agricultural or horticultural use when the gross sales of agricultural or horticultural products produced on the area above five acres together with any payments received under a soil conservation program have averaged at least \$5.00 per acre per year during the 2-year period immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales and such payments amounting to an average of at least \$5.00 per year within a reasonable period of time; except in the case of woodland and wetland, where the minimum requirement shall be an average of \$0.50 per acre on the area above five acres.

Land previously qualified as actively devoted to agricultural or horticultural use under the act; but failing to meet the additional

requirement on acreage above five acres shall not be subject to the roll-back tax because of such disqualification, but shall be treated as land for which an annual application has not been submitted.

2. This act shall take effect immediately except that the tax year 1973 shall be the first tax to which the amendatory provisions of this act shall apply.

Approved May 2, 1973.

CHAPTER 100

AN Act to amend "An act authorizing the maintenance of habeas corpus proceedings by grandparents to obtain visitation rights in respect to their infant grandchildren in certain cases, and supplementing chapter 2 of Title 9 of the Revised Statutes," approved February 1, 1972 (P. L. 1971, c. 420).

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

1. Section 1 of P. L. 1971, c. 420 (C. 9:2-7.1) is amended to read as follows:

C. 9:2-7.1 Court order for visitation rights of grandparents.

1. Where either or both of the parents of a minor child, residing within this State, is or are deceased, or divorced or living separate and apart in different habitats, regardless of the existence of a court order or agreement, a grandparent or the grandparents of such child, who is or are the parents of such deceased, separated or divorced parent or parents, may apply to the Superior Court, in accordance with the Rules of Court, to have such child brought before such court; and the court may make such order or judgment, as the best interest of the child may require, for visitation rights for such grandparent or grandparents in respect to such child.

2. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 101

AN ACT concerning investigations in the Department of Institutions and agencies and supplementing Title 30 of the Revised Statutes.

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

C. 30:1-12.1 Conduct of investigations.

1. The commissioner may make, or cause to be made, such investigations as he deems necessary in the administration of the Department of Institutions and Agencies. For the purpose of any such investigation he may cause to be examined under oath any and all persons whatsoever and compel by subpoena the attendance of witnesses and the production of such books, records, accounts, papers and other documents as are appropriate. If a witness fails without good cause to attend, testify or produce such records or documents as directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons or subpoena issued from a court of record in this State.

2. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 102

AN ACT adding an additional member to the Clean Air Council.

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

C. 26:2C-3.2a Additional member of council.

1. In addition to the membership of the Clean Air Council prescribed by P. L. 1967, c. 106, s. 3 (C. 26:2C-3.2), the State Commissioner of Health or a member of his staff designated by him shall be a member of the council.

2. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 103

AN ACT to repeal "An act concerning juvenile and domestic relations courts in certain counties, and supplementing chapter 4 of Title 2A of the New Jersey Statutes," approved December 29, 1966 (P. L. 1966, c. 315).

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

Repealer.

1. P. L. 1966, c. 315 (C. 2A:4-4.8) is hereby repealed.
 2. This act shall take effect immediately.
- Approved May 2, 1973.

CHAPTER 104

AN ACT appropriating certain funds from the Water Conservation Fund for loans and grants for the planning and construction of sewerage treatment facilities by local governmental units and authorizing offers of grants from such fund subject to future appropriation upon ascertainment of construction costs.

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

1. There is hereby appropriated to the Division of Water Resources in the State Department of Environmental Protection from the Water Conservation Fund created pursuant to the Water Conservation Bond Act (P. L. 1969, c. 127) the sum of \$25,000,000.00 for the purpose of making loans to local governmental units pursuant to the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.).

2. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$24,249,250.00 for the purpose of providing grants, not exceeding 25% of the cost of that portion of approved sewerage projects which

qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Municipality or Authority	State I.D. Project Number
Bernards Township Sewerage Authority . . . .	...
Englishtown borough	140
Hanover Sewerage Authority . . . . .	...
Middlesex County Sewerage Authority	121
Second River Joint Meeting	127
South Brunswick township	136
Wayne township . . . . .	...

All of the said sum of \$24,249,250.00 may be paid over to the said municipalities and authorities during the calendar year 1973.

3. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$1,088.00 for the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following municipalities:

Municipality	State I.D. Project Number
Allentown borough	31
Clinton, town of	37

All of the said sum of \$1,088.00 may be paid over to said municipalities during the calendar year of 1973.

4. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$50,125.00 for the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following authority:

Authority	State I.D. Project Number
Bergen County Sewer Authority	42

All of the said sum of \$50,125.00 may be paid over to said authority during the calendar year of 1973.

5. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$5,020,385.00 for the purpose of providing grants, not exceeding 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Municipality or Authority	State I.D. Project Number
Rahway Valley Sewerage Authority	22
Bergen County Sewer Authority	61
Middletown Township Sewerage Authority..	27
Somerset-Raritan Valley Sewerage Authority	55
Hackettstown Municipal Utilities Authority..	26
Roxbury township	92
Montvale borough	83
Bridgewater Township Sewerage Authority..	45
Dover Sewerage Authority	47
Bergen County Sewer Authority	64
Bergen County Sewer Authority	66
East Rutherford Sewerage Authority	70
Sea Bright borough	74
Passaic Valley Sewerage Commissioners	97
New Shrewsbury borough	76
Paramus borough	95

All of the said sum of \$5,020,385.00 may be paid over to said municipalities and authorities during the calendar year of 1973.

6. The sum of \$7,621,010.00 is hereby authorized to be disbursed from the prior appropriation of \$44,589,306.00 under P. L. 1970, c. 26 for the purpose of providing additional grant payments, which together with all grant payments heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities

Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Municipality or Authority	State I.D. Project Number
Dover Sewerage Authority	47
Rahway Valley Sewerage Authority	22
Gloucester County Sewerage Authority	52
Bergen County Sewer Authority	64
New Shrewsbury borough	76

All of the said sum of \$7,621,010.00 may be paid over to said municipalities and authorities during the calendar year of 1973.

7. The sum of \$5,822,939.00 is hereby authorized to be disbursed from the prior appropriation of \$17,147,358.00 under P. L. 1971, c. 178 for the purpose of providing additional grant payments, which together with all grant payments heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Municipality or Authority	State I.D. Project Number
Ewing-Lawrence Sewerage Authority	21
Bayshore Regional Sewerage Authority	90
Monmouth County Bayshore Outfall Authority	104
Eatontown Sewerage Authority	107
Scotch Plains township	99
Red Bank borough	102
Passaic Valley Sewerage Commissioners	97

All of the said sum of \$5,822,939.00 may be paid over to said municipalities and authorities during the calendar year of 1973.

8. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$32,226,900.00 for the purpose of providing grants, not less than 15%, nor more than 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.),

for approved sewerage projects to the following municipalities and authorities:

Municipality or Authority	State I.D. Project Number
Atlantic County Sewerage Authority	123
Ocean County Sewerage Authority	135
Parsippany-Troy Hills, township of	112
Edison, township of	113
Joint Meeting Essex and Union counties	119

All of the said sum of \$32,226,900.00 may be paid over to said municipalities and authorities during the calendar year of 1973.

9. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$1,273,930.00 for the purpose of providing planning grants, not to exceed 15% of the cost of planning approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E-1 et seq.), for approved sewerage projects to the following authorities:

Authority	State I.D. Project Number
Ocean County Sewerage Authority	135
Stony Brook Regional Sewerage Authority ..	130
Pequannock, Lincoln Park and Fairfield Sewerage Authority	133

All of the said sum of \$1,273,930.00 may be paid over to said authorities during the calendar year of 1973.

10. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 105

AN ACT concerning pensions and amending N. J. S. 18A:66-90.

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

1. N. J. S. 18A:66-90 is amended to read as follows:

Federal funds; reimbursement of State; ascertainment of amount.

18A:66-90. On or before September 1 of each year, on the basis of the most recent actuarial valuation of the Teachers' Pension and Annuity Fund and on the basis of the appropriate social security rate of contribution, the Director of the Division of Pensions in the State Department of the Treasury, shall certify to the commissioner of education of the State Department of Education the percentage of salaries which the department and each board of education, school district or agency of this State must appropriate in its next fiscal year project budget to cover the amount of the increase and the cost of pension, group life insurance, social security and other benefits provided by this article attributable to carrying out the programs financed by the Federal Government involving members of the Teachers' Pension and Annuity Fund. The commissioner shall promptly notify each public employer of the percentage certified and the public employer shall, within 90 days after the close of such next fiscal year, together with supporting information prescribed by the Director of the Division of Pensions, reimburse the State the amount of such increased cost from funds allocated to the public employer from the Federal Government and involving members of the Teachers' Pension and Annuity Fund.

2. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 106

AN ACT appropriating certain funds from the State Recreation and Conservation Land Acquisition Fund for State grants to assist local units 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 hereby appropriated to the State Department of Environmental Protection from the State Recreation and Conservation Land Acquisition Fund created pursuant to the "New Jersey Green Acres Bond Act of 1971," (P. L. 1971, c. 165), the

sum of \$15,000,000.00 for the purpose of State grants to assist local units to acquire lands for recreation and conservation purposes.

2. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 107

AN ACT to amend and supplement the "Agricultural Research, Development and Promotion Act of 1970," approved September 2, 1971 (P. L. 1971, c. 308).

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

1. Section 11 of P. L. 1971, c. 308 (C. 4:10-53) is amended to read as follows:

C. 4:10-53 Compensation, powers and duties of council.

11. No member of any such council shall receive a salary but each shall be entitled to reimbursement of expenses incurred in the performance of official duties. The secretary may authorize the council to enter into contracts or agreements; to employ necessary personnel; to fix their compensation and terms of employment; and to incur such expenses as may be necessary for the proper administration of the marketing program. Subject to the approval of the secretary, the council may:

- (a) Administer the marketing program;
- (b) Recommend amendments to the marketing program;
- (c) Recommend rules and regulations relating to the marketing program;
- (d) Assist in the assessment and collection of funds to cover expenses incurred in the administration of the marketing program;
- (e) Assist in the collection of such information and data as the secretary may deem necessary; and
- (f) Receive and report complaints of violations of the marketing program.

2. Section 17 of P. L. 1971, c. 308 (C. 4:10-59) is amended to read as follows:

C. 4:10-59 Major amendments to program.

17. Major amendments to marketing programs shall be instituted in the same manner as the marketing program. Provisions effecting substantial modifications or provisions relating to the following shall be deemed to be major amendments:

- (a) Advertising and sales promotion;
- (b) Research studies relating to production or distribution;
- (c) Alteration of maximum assessment rates.

In the event a major amendment is not approved in a referendum, the marketing program will continue in effect.

3. Section 25 of P. L. 1971, c. 308 (C. 4:10-67) is amended to read as follows:

C. 4:10-67 Adoption and use of emblems, labels or other designations.

25. The advisory council may adopt emblems, labels or other distinctive designations of grade, quality or condition and shall register said emblems, labels or designations with the secretary who will cause them to be filed with the Secretary of State of New Jersey. Every person who is directly regulated by the program shall have the use thereof.

No person shall use any emblem, label or other distinctive designation of grade, quality or condition established by a marketing program, other than State or Federal grade standards, unless he is participating in and complying with the provisions of the marketing program.

C. 4:10-54.1 Exemptions or allowance of suitable adjustments for credits.

4. Any marketing, development, research or promotion program promulgated under provisions of this act may provide for exemption of, or allow suitable adjustments or credits to, producers, processors, buyers or other affected persons who are required by a Federal, State or multistate program to pay an assessment of a like amount under such program; provided, that any affected person who obtains a refund of his assessment under such a Federal, State or multistate program shall not be exempt. The secretary shall determine the conditions, procedures and forms under which such exemption may be granted.

5. This act shall take effect immediately.

Approved May 2, 1973.

CHAPTER 108

AN ACT to repeal “An act relating to motor vehicle driver’s licenses, and supplementing chapter 3 of Title 39 of the Revised Statutes” approved June 13, 1963 (P. L. 1963, c. 112).

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

Repealer.

1. P. L. 1963, c. 112 (C. 39:3-10.2 and 39:3-10.3) is repealed.
 2. This act shall take effect immediately.
- Approved May 2, 1973.

CHAPTER 109

AN ACT concerning the Police and Firemen’s Retirement System and amending P. L. 1944, c. 255 and P. L. 1964, c. 241.

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

1. Section 5 of P. L. 1944, c. 255 (C. 43:16A-5) is amended to read as follows:

C. 43:16A-5 Members fifty-five years old; members sixty-five years old; allowance; death benefits.

5. (1) Any member in service who has attained age 55 years may retire on a service retirement allowance upon filing a written and duly executed application to the retirement system, setting forth at what time, not less than 1 month subsequent to the filing thereof, he desires to be retired. Any member in service who attains age 65 years shall be retired on a service retirement allowance forthwith on the first day of the next calendar month.

(2) Upon retirement for service a member shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(b) A pension in the amount which, when added to the member’s annuity, will provide a total retirement allowance of one-sixtieth of his average final compensation multiplied by the number of years of his creditable service, or 2% of his average final compensation multiplied by the number of years of his creditable service up to

30 plus 1% of his average final compensation multiplied by the number of years of creditable service over 30, whichever is greater.

(3) Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to his beneficiary an amount equal to one-half of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

2. Section 16 of P. L. 1964, c. 241 (C. 43:16A-11.1) is amended to read as follows:

C. 43:16A-11.1 Resignation before reaching service retirement age; retirement allowance in lieu of payment.

16. Should a member resign after having established 25 years of creditable service but not having attained the age of 55 years, he may elect "special retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in section 11, a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions, and

(2) A pension in the amount which, when added to the member's annuity will provide a total retirement allowance of 2% of his average final compensation multiplied by the number of years of his creditable service up to 30 plus 1% of his average final compensation multiplied by the number of years of creditable service over 30.

The board of trustees shall retire him at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

Upon the receipt of proper proofs of the death of such a retired member, there shall be paid to his beneficiary an amount equal to one-half of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

3. Section 17 of P. L. 1964, c. 241 (C. 43:16A-11.2) is amended to read as follows:

C. 43:16A-11.2 Separation from service before reaching service retirement age; election of payments or deferred retirement allowance; restoration to service.

17. Should a member, after having established 15 years of creditable service, be separated voluntarily or involuntarily from

the service, before reaching age 55, and not by removal for cause or charges of misconduct or delinquency, such person may elect to receive the payments provided for in section 11 of P. L. 1944, c. 255 or section 16 of P. L. 1964, c. 241, or a deferred retirement allowance, beginning on the first day of the month following his attainment of age 55 and the filing of an application therefor, which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions at the time of his severance from the service and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 2% of his average final compensation multiplied by the number of years of his creditable service up to 30 plus 1% of his average final compensation multiplied by the number of years of creditable service over 30, provided that such inactive member may elect to receive payments provided under section 11 of P. L. 1944, c. 255 or section 16 of P. L. 1964, c. 241 if he had qualified under that section at the time of leaving service, except that in order to avail himself of the option, he must exercise such option at least 30 days before the effective date of his retirement. If such inactive member shall die before attaining age 55, his aggregate contributions shall be paid in accordance with section 11 of P. L. 1944, c. 255 and, in addition if such inactive member shall die after attaining age 55 but before filing an application for retirement benefits pursuant to this section or section 16 of P. L. 1964, c. 241 and has not withdrawn his aggregate contributions, or in the event of death after retirement, an amount equal to one-half of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service shall be paid to such member's beneficiary.

Any member who, having elected to receive a deferred retirement allowance, again becomes an employee covered by the retirement system while under the age of 55, shall thereupon be reenrolled. If he had discontinued his service for more than 2 consecutive years, subsequent contributions shall be at his former rate increased for the years of his inactive membership. He shall be credited with all service as a member standing to his credit at the time of his election to receive a deferred retirement allowance.

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

Approved May 7, 1973.

CHAPTER 110

AN ACT concerning the pension fund of police and firemen and amending R. S. 43:16-1.

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

1. R. S. 43:16-1 is amended to read as follows:

Retirement for service and age.

43:16-1. In all municipalities any active member of a police department or of a paid or part-paid fire department or of a county police department including active members of the paid or part-paid fire departments of any fire district located in any township which has adopted the provisions of an act entitled "An act providing for the retirement of policemen and firemen of the police and fire departments in municipalities of this State, including all police officers having supervision or regulation of traffic upon county roads, and providing a pension for such retired policemen and firemen and members of the police and fire departments, and the widows, children and sole dependent parents of deceased members of said department," approved April 15, 1920 (P. L. 1920, c. 160) or of chapter 16 of Title 43 of the Revised Statutes, who shall have served honorably in the police or fire department for a period of 25 years, or any employee member of any such department who shall have served honorably in such department for a period of 25 years and who has reached the age of 60 years shall, on his own application, be retired on a service retirement pension equal to one-half of his average salary. Any active member of the police or paid or part-paid fire department including active members of the paid or part-paid fire department of any fire district as aforesaid who shall have served honorably for a period of 25 years and reached the age of 65 years and any employee member of any such department who shall have served honorably in such departments for a period of 25 years and reached the age of 70 years shall be retired on a service retirement pension equal to one-half of his average salary.

The amount of the service retirement pension of any member of such police or paid or part-paid fire department, who has served for more than 25 years and who retires after the effective date of this amendatory act, shall be increased by an amount equal to 2% of his average salary for each year of service in excess of 25 years but not more than 30 years and 1% of his average salary

for each year of service in excess of 30 years rendered prior to his reaching age 65.

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

Approved May 7, 1973.

CHAPTER 111

AN ACT to permit local public employer contributions for certain pensioners in connection with the New Jersey State Health Benefits Program and amending section 7 of P. L. 1964, c. 125.

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

1. Section 7 of P. L. 1964, c. 125 (C. 52:14-17.38) is amended to read as follows:

C. 52:14-17.38 Certification of premium rates and charges to participating employers; remission of contributions; reimbursement for premium charges under Medicare; payment of premium or charges by employer.

7. The Division of Pensions shall certify to the certifying agent of each employer electing participation under the program the premium rates and periodic charges applicable to the coverage provided for employees and dependents. The participating employer shall remit to the division all contributions to premiums and periodic charges in advance of their due dates, subject to the rules and regulations of the commission.

The employer shall reimburse the active employee for his premium charges under Part B of the Federal Medicare program covering the employee and the employee's spouse.

From funds allocated therefor, the employer other than the State may pay the premium or periodic charges for the benefits provided to a retired employee and his dependents covered under the program, but not including survivors, if such employee retired from a State or locally-administered retirement system effective on or after July 1, 1972, on a benefit based on 25 years or more of service credited in such retirement system, excepting the employee who elected deferred retirement, but including the employee who retired on a disability pension based on fewer years of service credited in such retirement system and may also reimburse such retired employee for his premium charges under Part B of the Federal

Medicare program covering the retired employee and the employee's spouse.

2. This act shall take effect immediately.

Approved May 7, 1973.

CHAPTER 112

AN ACT to amend "An act providing for the compelling of evidence from certain persons in criminal proceedings and for the granting of immunity to such persons from the use of such evidence against them in certain cases," approved July 19, 1968 (P. L. 1968, c. 195).

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

1. Section 1 of P. L. 1968, c. 195 (C. 2A:81-17.3) is amended to read as follows:

C. 2A:81-17.3 Order compelling person to testify or produce evidence; immunity from use of such evidence; contempt.

1. In any criminal proceeding before a court or grand jury, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby and if the Attorney General or the county prosecutor with the approval of the Attorney General, in writing, requests the court to order that person to answer the question or produce the evidence, the court shall so order and that person shall comply with the order. After complying and if but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, such testimony or evidence, or any information directly or indirectly derived from such testimony or evidence, may not be used against the person in any proceeding or prosecution for a crime or offense concerning which he gave answer or produced evidence under court order. However, he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order. If a person refuses to testify after being granted immunity from prosecution and after being ordered to testify as aforesaid, he may be adjudged in contempt and committed to the county jail until

such time as he purges himself of contempt by testifying as ordered without regard to the expiration of the grand jury; provided, however, that if the grand jury before which he was ordered to testify has been dissolved, he may then purge himself by testifying before the court.

2. This act shall take effect immediately.

Approved May 7, 1973.

CHAPTER 113

AN ACT to amend "An act concerning disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved August 31, 1972 (P. L. 1972, c. 143).

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

1. Section 1 of P. L. 1972, c. 143 (C. 2A:170-25.17) is amended to read as follows:

C. 2A:170-25.17 Discarding disposable or reusable hypodermic needle or syringe prior to destruction; penalty.

1. No person shall discard or abandon in any public or private place accessible to any other person, whether or not the other person may be a trespasser, any disposable or reusable hypodermic needle or syringe, without first destroying the needle or syringe; nor shall any owner, lessee or other person in control of premises accessible to any other person, whether or not the other person may be a trespasser, knowingly permit discarded or abandoned hypodermic needles or syringes to remain on said premises in an intact condition.

For purposes of this act, a hypodermic needle or syringe shall be deemed destroyed only if the needle is broken from the hub or mangled, in the case of a needle, and the nipple of the barrel is broken from the barrel or the plunger and barrel are melted, in the case of a syringe.

Any person who violates the provisions of this act is a disorderly person and shall be punished by a fine not exceeding \$500.00 or by imprisonment for not more than 5 days, or both.

2. This act shall take effect immediately.

Approved May 7, 1973.

CHAPTER 114

AN ACT concerning attorneys' bonding fees and supplementing Title 18A of the New Jersey Statutes and Title 40 of the Revised Statutes.

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

C. 40A:2-38.1 Compensation of attorney for certain services.

1. No county, municipality or other political subdivision of the State or any board, commission or agency thereof, shall compensate an attorney for services rendered in connection with the issuance of bonds other than at a reasonable rate agreed on prior to the rendering of the services.

C. 18A:24-13.1 Compensation of attorney for certain services.

2. No school district shall compensate an attorney for services rendered in connection with the issuance of bonds other than at a reasonable rate agreed on prior to the rendering of the services.

3. This act shall not apply to compensation of attorneys for services rendered in connection with a bond issue which has been proposed before January 1, 1973.

4. This act shall take effect January 1, 1973.

Approved May 7, 1973.

CHAPTER 115

AN ACT concerning education relating to the use of drugs and medication for experimental purposes or for stimulating the learning process.

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

C. 18A:6-1.1 Consents required prior to administration of drug or medication.

1. The written consent of a parent or guardian of a pupil and of a physician of the parent's or guardian's choice shall be required prior to the administration to a pupil by school authorities of any drug or medication for experimental purposes or for stimulating the learning process.

2. This act shall take effect immediately.

Approved May 7, 1973.

CHAPTER 116

AN ACT to amend "An act concerning motor vehicles and traffic regulations, and supplementing chapter 4 of Title 39 of the Revised Statutes," approved March 30, 1950 (P. L. 1950, c. 16).

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

1. Section 2 of P. L. 1950, c. 16 (C. 39:4-209) is amended to read as follows:

C. 39:4-209 Penalties.

2. Any person who shall violate any of the said regulations shall be subject to a fine of not less than \$1.00 nor more than \$15.00; provided, however, that any person who shall violate any of said regulations concerning the altering, counterfeiting or misuse of parking permits shall be subject to a fine of not more than \$50.00.

2. This act shall take effect immediately.

Approved May 7, 1973.

CHAPTER 117

AN ACT to amend the title of "An act imposing a road tax upon certain motor carriers, providing for the administration thereof and making an appropriation therefor," approved May 22, 1963 (P. L. 1963, c. 44), so that the same shall read "An act imposing a motor fuels use tax upon certain motor fuels users and providing for the administration thereof," to amend the body of said act, to repeal certain sections thereof, and to repeal "A supplement to the 'Motor Carriers Road Tax Act of 1963,' approved May 22, 1963 (P. L. 1963, c. 44)," approved June 30, 1969 (P. L. 1969, c. 120).

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

1. The title of P. L. 1963, c. 44 is amended to read as follows:

Title amended.

An act imposing a motor fuels use tax upon certain motor fuels users and providing for the administration thereof.

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

C. 54:39A-1 Short title.

1. This act shall be known and may be cited as the "Motor Fuels Use Tax Act of 1963."

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

C. 54:39A-2 Definitions.

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

(a) "User" means every person, firm or corporation who or which consumes motor fuels for the propulsion of motor vehicles owned or controlled by him on any highway in this State. The term shall include a lessor when said lessor provides the motor fuel used in the vehicles operated by the lessee. The term shall not include any public utility as defined in R. S. 48:2-13, which functions solely within the State of New Jersey provided that all of the fuel used by the vehicles of said public utility is purchased within the State, except on occasional emergencies, and the fuel tax thereon is paid at the time of purchase.

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

(c) "Exempt vehicle" means:

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

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

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

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

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

(6) Vehicles operated by a public utility as defined in R. S. 48:2-13, whose operations are limited to the State of New Jersey, providing that all of the fuel used by said vehicles is purchased within the State, except on occasional emergencies, and the fuel taxes paid thereon at the time of purchase.

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

(8) Vehicles used to transport farm labor.

(d) "Operations" means operations of all motor vehicles, other than exempt vehicles, owned or controlled by the user, whether loaded or empty, whether for compensation or not for compensation, except operations of an omnibus within any municipality of this State in the regular route passenger service provided under operating authority conferred pursuant to R. S. 48:4-3.

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

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

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

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

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

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

C. 54:39A-3 Users subject to tax; payment; rate.

3. Every user shall pay a tax equivalent to the rate per gallon of the motor vehicle fuel tax which is currently in effect, calculated on the amount of motor fuels used in its operations within this State.

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

C. 54:39A-4 Quarterly operational reports; exemptions.

4. Every user shall, on or before the last day of January, April, July and October of each year, make to the director such aggregate reports of his entire operations during the quarter ending on the last day of the preceding month as the director may require.

If the director shall find that the administration and purpose of this act would not be adversely affected thereby, he may in his discretion exempt any user who purchases in this State, and pays the motor vehicle fuel tax thereon, all motor fuels used in his entire operations within and without this State, except for occasional emergency purchases in other states, from the quarterly reporting requirements of this act. Said user may be permitted to make an annual report of his entire operations provided he has filed an affidavit to the effect that he purchased in this State, and paid the motor fuels tax thereon, all motor fuel used in his entire operations.

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

C. 54:39A-5 Quarterly payments; calculation.

5. The tax hereby imposed shall be paid by each user quarterly to the director on or before the last day of the month following the end of the tax quarter and shall be calculated upon the amount of motor fuels used in its operations within this State by each such user during the quarter ending on the last day of the preceding month.

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

C. 54:39A-6 Computation of amount of fuel used within State.

6. The amount of motor fuels used in the operations of any user within this State shall be computed to be such proportion of the total amount of such motor fuels used in his entire operations within and without this State as the total number of miles traveled within this State bears to the total number of miles traveled within and without this State. Every motor vehicle operated by the user shall be equipped with an accurate mileage recording instrument in good working order and its reading shall be taken and recorded at such intervals as the director shall prescribe.

If any user has failed to maintain the records prescribed by this act or the director's regulation, each vehicle in the user's fleet shall be deemed to have consumed 40 gallons of fuel in this State each day the vehicle was in this State during the applicable tax quarter. It shall be deemed that the vehicle was in this State every day of the quarter unless persuasive evidence by the user discloses otherwise.

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

C. 54:39A-8 Credit against tax; refund.

8. Every user subject to the tax hereby imposed shall be entitled to a credit against such tax equivalent to the rate per gallon of the motor vehicle fuel tax which is currently in effect, for all motor fuels purchased by such user within this State and upon which the motor vehicle fuel tax imposed by the laws of this State has been paid provided said user was also the purchaser as defined in this act. Evidence of the purchase of such fuel and the payment of such tax shall be maintained by the user-purchaser, as part of the records required by this act, in the form of a fuel purchase receipt or invoice supplied by the vendor in such form as hereinafter prescribed.

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

(b) When any user who is also the purchaser has established bulk motor fuels storage facilities within this State and the required records of his entire operations within and without this State are maintained within this State, he shall be entitled to a refund of any credit in excess of the tax due for the reporting period provided he has submitted proof acceptable to the director that the motor fuel on which motor vehicle fuel tax refund is claimed was not used within this State. No refund claim may be allowed when the amount claimed for a single tax quarter does not exceed the tax on 2,000 gallons of motor fuel or on 1% of the total fuel purchased by the user in this State, whichever is greater. No refund shall be allowed unless an audit of the user's records has been made by the director or his employee. A refund may be allowed prior to such audit if the user has given a bond issued by a surety company authorized to do business within this State in an amount not less than the total amount of all unaudited claims. The condition of the bond shall be that if subsequent audit reveals the claim to be partially or entirely unallowable the full amount of the unallowable portion of the claim shall be repaid to the State together with interest at the rate of 1% per month or fraction thereof from the date the refund was paid to the user to the date he repays the State. The

bond shall remain in force until the claim has been audited and approved.

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

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

(1) The name and station address of the vendor, machine printed or credit card with credit card imprint.

(2) Date of delivery.

(3) Name of purchaser and his user identification number, if any.

(4) Kind and number of gallons of fuel delivered.

(5) Motor fuel tax rate charged per gallon.

(6) Signature of person who delivered the fuel.

(7) Company unit number or motor vehicle license number of the power unit.

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

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

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

(3) The date of delivery.

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

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

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

9. Section 9 of P. L. 1963, c. 44 (C. 54:39A-9) is amended to read as follows:

C. 54:39A-9 Records.

9. Every user shall keep records, in such form as the director reasonably may prescribe, as will enable the user to report and enable the director to determine the total number of over-the-road miles traveled by his entire fleet of motor vehicles, the total number of over-the-road miles traveled in New Jersey by said entire fleet, the total number of gallons of motor fuel used by said entire fleet and the total number of gallons of motor fuel purchased in New Jersey for said entire fleet. All such records shall be safely preserved for a period of 3 years in such manner as to insure their security and availability for inspection by the director or any authorized assistant engaged in the administration of this act. Upon application in writing, stating the reasons therefor, the director may in his discretion, consent to the destruction of any such records at any time within said period. The director or his authorized agents and representatives may, at any reasonable time, inspect the books and records of any user subject to the tax imposed by this act. The director shall provide by regulation for any such examination of books and records to be conducted at the office or offices of the user where such books and records are maintained.

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

C. 54:39A-10 Identification cards and markers; limited use permits.

10. The director shall issue to every user a motor fuels user identification card which shall be safely preserved in the user's offices for as long as the card is valid. The user shall place a photographic or xerographic copy of said card in the cab of each motor vehicle in his fleet. The director shall also issue for each vehicle in the user's fleet a motor fuels user identification marker which the user shall affix to the vehicle in such manner as shall be prescribed by the director. The fee for each original such marker and any replacement marker shall be \$3.00. Every identification card and marker shall remain the property of the State and may be recalled for any violation of this act or of the regulations promulgated hereunder, or for failure to pay any moneys due the State under this act or any other law administered by the director. Identification cards and markers shall be issued on an annual basis as of April 1, of the year and shall be valid through the next

succeeding March 31. Identification markers and registration cards issued for calendar year 1972 under the former provisions of the act of which this act is amendatory shall continue to be valid through March 31, 1973. Identification cards and markers issued during the period from January 1, 1973 through March 31, 1973 for vehicles not previously registered during calendar year 1972 shall be valid through March 31, 1974. The form and content of the card and marker shall be as prescribed by the director. Any card and marker issued pursuant to this act may be deemed by the director as satisfying the equivalent requirements of any other law administered by him and any marker and card issued by him pursuant to any other law, regulation, reciprocity agreement or arrangement, or declaration may be deemed as satisfying the equivalent requirements of this act. It shall be illegal to operate or cause to be operated in this State any motor vehicle unless the vehicle bears the identification marker and carries the copy of the identification card required by this section; provided, however, that upon the request of a user the director may issue by mail or telecommunication a permit valid for the operation of a vehicle for a period not exceeding 25 days pending the application for and issuance of an identification card or marker or both. The fee for such permit shall be \$5.00 which may be credited against the identification marker fee applicable to the same vehicle. A user whose vehicles in the aggregate make not more than six trips into or through this State in a 12-month period may be issued single trip permits valid for 96 hours for each round trip so made. The fee for such trip permit shall be \$5.00 which shall be in lieu of reports, fees and taxes which may otherwise be applicable to said trip under this act.

11. Section 11 of P. L. 1963, c. 44 (C. 54:39A-11) is amended to read as follows:

C. 54:39A-11 Examination and audit of reports; deficiency assessments.

11. After a report is filed under the provisions of this act, the director shall cause the same to be examined and may make such further audit or investigation as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess the additional taxes, penalties and interest due the State from such user, give notice of such assessment to the user and make demand upon him for payment.

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

C. 54:39A-12 Failure to report; assessment; payment of tax.

12. If any user shall fail to make any report required under this act within the time prescribed herein the director shall make demand upon the user for the filing of the report and payment of any tax due within 15 days after notice shall have been mailed to the user. If the user fails to file said report within said 15-day period it shall be deemed that 40 gallons of fuel were consumed in this State by each vehicle in the user's fleet for each day during the quarter for which no report was filed. The director shall make an assessment against such user for the tax on all such fuel used in this State during said quarter and shall proceed to compel payment of the tax, plus penalty and interest, in the manner prescribed in this act.

13. Section 13 of P. L. 1963, c. 44 (C. 54:39A-13) is amended to read as follows:

C. 54:39A-13 Departure or removal of property from State or discontinuing business; arbitrary assessment.

13. If the director finds that a user designs quickly to depart from this State or to remove therefrom his property, or any property used by him in operations subject to this act, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual proceedings to assess or collect such tax, whereby it becomes important that such proceedings be brought without delay, the director may immediately make an arbitrary assessment as hereinbefore provided in section 12 of this act, whether or not any report is then due by law, and may proceed under such arbitrary assessment to collect the tax, or compel security for the same, and thereafter shall cause notice of such finding to be given to such user, together with a demand for immediate payment of such tax.

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

C. 54:39A-14 Failure to report or pay tax; penalty; interest.

14. When any user fails to file a report within the time prescribed by this act for the filing thereof he shall pay as a penalty the sum of \$25.00. In addition to the penalty herein imposed any unpaid tax shall bear interest at the rate of 1% per month or fraction thereof until the same is paid. The penalty and interest charges herein imposed shall be paid to the director in addition to the tax due.

The director, if satisfied that the failure to file the report or pay the tax was excusable, may remit or waive the payment of the whole or part of any penalty provided the report is filed within 30 days after the due date.

15. Section 16 of P. L. 1963, c. 44 (C. 54:39A-16) is amended to read as follows:

C. 54:39A-16 Manner of payment and recovery of penalties and interest; debt of user; lien; preference.

16. (a) All penalties and interest when imposed under this act shall be payable to and recoverable by the director in the same manner as if they were part of the tax imposed.

(b) The taxes, fees, interest and penalties imposed under this act, from the time the same shall be due, shall be a personal debt of the user to the State, recoverable in any court of competent jurisdiction in an action in debt in the name of the State. Such debt, whether sued upon or not, shall be a lien on all the property of the debtor except as against an innocent purchaser for value in the usual course of business and without notice thereof, and shall have preference in any distribution of the assets of the user, whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment or order obtained hereunder shall be paid to the director.

16. Section 17 of P. L. 1963, c. 44 (C. 54:39A-17) is amended to read as follows:

C. 54:39A-17 Appeal.

17. (a) Any aggrieved user may, within 30 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the Division of Tax Appeals in the State Department of the Treasury by filing a petition of appeal with said division in the manner and form prescribed by the said division.

(b) No such appeal shall stay the collection of any tax, interest or penalties or the enforcement of the same by entry as a judgment. The judgment or order of the Division of Tax Appeals respecting any matter arising under the provisions of this act may be reviewed by a proceeding in lieu of prerogative writ in the same manner as other judgments of said division.

17. Section 18 of P. L. 1963, c. 44 (C. 54:39A-18) is amended to read as follows:

C. 54:39A-18 Certificate of indebtedness; docket entries; force and effect; collection proceedings.

18. As an additional remedy, the director may issue a certificate to the Clerk of the Superior Court or to the Clerk of the Law Division of the County Court of any county, that any user is indebted under this act in such an amount as shall be stated in the certificate. Thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name and address of such user and the address of the place of business where such tax liability was incurred, if shown in the certificate, the amount of the debt so certified, the short name of the tax and the date of making such entries. The making of the entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk, and the director shall have all the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action, but without prejudice to the user's right of appeal.

18. Section 19 of P. L. 1963, c. 44 (C. 54:39A-19) is amended to read as follows:

C. 54:39A-19 Claim for refund.

19. Except with respect to payment of special assessment imposed by the director pursuant to sections 11, 12 and 13 of this act, a user, at any time within 2 years after payment of a tax, may file with the director a claim under oath for refund, in such form as the director may prescribe, stating the grounds therefor, but no claim for refund shall be permitted to be filed after proceedings on appeal have been commenced as provided in section 17 of this act. If, upon examination of such claim for refund, it shall be determined by the director that there has been an overpayment of tax, the amount of such overpayment shall be credited against any liability of the user under this act and if there be no such liability, the user shall be entitled to a refund of the tax so overpaid. If the director shall reject the claim for refund in whole or in part, he shall make an order accordingly and serve a notice upon the user. This section shall not apply to applications for refunds provided for under section 8 of this act.

19. Section 20 of P. L. 1963, c. 44 (C. 54:39A-20) is amended to read as follows:

C. 54:39A-20 False statements; other violations; penalties.

20. (a) Any person who shall willfully and knowingly make a false statement orally, or in writing, or in the form of a receipt

for the sale of motor fuel, for the purpose of obtaining or attempting to obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this act, shall be guilty of a misdemeanor.

(b) Any person who willfully violates any other provision of this act or any provision of the rules and regulations prescribed under this act, except provisions of this act or of such rules and regulations for the violation of which a penalty is otherwise provided in this act, shall be subject to a fine of not more than \$500.00 to be recovered in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). For the purposes of such proceeding, such violation shall be deemed an act committed in part at the office of the director in Trenton.

In addition to the provisions and remedies contained in the Penalty Enforcement Law, the following provisions and remedies shall be applicable in any proceeding brought for a violation of any of the provisions of this act:

a. The several municipal courts shall have jurisdiction of any such proceeding in addition to the courts prescribed in said Penalty Enforcement Law, provided, however, that the maximum fine which may be imposed by a municipal court in a proceeding involving failure to exhibit an identification marker or a registration card shall be \$50.00;

b. The complaint in any such proceeding may be made on information and belief by the director, any motor vehicle inspector or by any member of the State Police;

c. A warrant may be issued in lieu of summons;

d. Any motor vehicle inspector or any police or peace officer shall be empowered to serve and execute process in any such proceeding;

e. The hearing in any such proceeding shall be without a jury;

f. Any such proceeding may be brought in the name of the Director of the Division of Motor Vehicles, in the Department of Law and Public Safety or in the name of the State of New Jersey;

g. Any sums received in payment of any fines imposed in any such proceeding shall be paid to the Director of the Division of Motor Vehicles and shall be paid by him into the State Treasury.

20. Section 21 of P. L. 1963, c. 44 (C. 54:39A-21) is amended to read as follows:

C. 54:39A-21 Additional taxes and fees.

21. The taxes and fees imposed on users under this act are in addition to any taxes and fees of whatever character imposed on such users by any other provisions of law.

Repealer.

21. Sections 25 and 26 of P. L. 1963, c. 44 (C. 54:39A-25 and C. 54:39A-26) are repealed.

Repealer.

22. "A supplement to the 'Motor Carriers Road Tax Act of 1963,' approved May 22, 1963 (P. L. 1963, c. 44)," approved June 30, 1969 (P. L. 1969, c. 120) (C. 54:39A-27, C. 54:39A-28) is repealed.

23. This act shall take effect July 1, 1972.

Approved May 7, 1973.

CHAPTER 118

AN ACT concerning juries in certain criminal causes, amending
N. J. S. 2A:74-10 and repealing N. J. S. 2A:74-9.

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

1. N. J. S. 2A:74-10 is amended to read as follows:

General panel of jurors for trial of criminal causes.

2A:74-10. When the general panel or list of jurors served on a defendant in any criminal case in which he shall be entitled to 20 peremptory challenges shall, from any cause, be exhausted before a jury for the trial of the indictment shall be obtained, the sheriff or other proper officer shall forthwith summon, from among the bystanders or others, such additional number of persons qualified to serve as jurors as may be ordered by the court, and make return thereof immediately, and place the names of the jurors so returned in the box and draw therefrom until the jury is completed. If the first order for talesmen shall prove insufficient, other and further orders may be made until the necessary number of jurors shall be obtained.

The defendant, shall not be entitled to a service of the list of talesmen summoned by order of the court, unless the court shall

specially so direct, in which case the court after the general panel has been exhausted shall fix the length of time the list of talesmen shall be so served, before the drawing of the jurors shall proceed.

Repealer.

2. N. J. S. 2A:74-9 is repealed.
 3. This act shall take effect immediately.
- Approved May 7, 1973.

CHAPTER 119

AN ACT to provide for the standardization of regulations and procedures governing county boards of taxation, and amending R. S. 54:3-14.

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

1. R. S. 54:3-14 is amended to read as follows:

Petitions of appeal, rules, regulations and procedures.

54:3-14. Each board shall adopt such standardized petitions of appeal, rules, regulations and procedures as are prescribed by the Director of the Division of Taxation, and issue such directions as may be necessary to carry into effect the provisions of this title.

2. This act shall take effect January 1, 1974.

Approved May 7, 1973.

CHAPTER 120

AN ACT concerning the New Jersey School Boards Association, and amending N. J. S. 18A:6-50.

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

1. N. J. S. 18A:6-50 is amended to read as follows:

Expenses of delegates; dues.

18A:6-50. For the purpose of defraying the necessary expenses of the association, the various district boards shall pay the necessary expenses incurred by its delegates, and shall appropriate annually such sums for dues as may be assessed by the association at any delegates meeting. The assessment of dues shall be made upon a graduated scale and shall be made only upon two-thirds vote of the delegates present at such delegates meeting, after notice of the taking of such vote shall have been given to each district board in writing at least 60 days before such delegates meeting. However, the dues assessed any board of education shall not be increased for any year by more than $33\frac{1}{3}\%$ of the dues assessed that board during the preceding year. Dues shall be payable by the custodian of school moneys of the school district to the treasurer of the association.

2. This act shall take effect immediately.

Approved May 9, 1973.

CHAPTER 121

AN ACT concerning notaries public, and supplementing chapter 7 of Title 52 of the Revised Statutes.

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

C. 52:7-9 Printed, typed, or stamped name of notary required in addition to signature.

1. Each notary public, in addition to subscribing his autograph signature to any jurat upon the administration of any oath or the taking of any acknowledgement or proof, shall affix thereto his name in such a manner and by such means (including, but not limited to, printing, typing, or impressing by seal or mechanical stamp) as will enable the Secretary of State easily to read said name.

2. This act shall take effect immediately.

Approved May 9, 1973.

CHAPTER 122

AN ACT to amend “An act concerning the adoption of children, their custody, control and rights of inheritance, and repealing subtitle 2 of Title 9 of the Revised Statutes,” approved July 23, 1953 (P. L. 1953, c. 264).

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

1. Section 11 of P. L. 1953, c. 264 (C. 9:3-27) is amended to read as follows:

C. 9:3-27 Final hearing; judgment of adoption.

11. Final hearing; judgment of adoption.

A. Upon the final hearing, the court shall proceed in camera; provided, however, that if there has been a preliminary hearing and the next friend shall have recommended the adoption, the final hearing may be dispensed with and judgment may be entered forthwith.

B. If a next friend shall have been appointed pursuant to subsection A of section 9, such next friend shall be a necessary party at the final hearing, shall be entitled to present testimony and to cross-examine witnesses, and shall be subject to examination with respect to its report and recommendations in the matter. If the child sought to be adopted is of the age of 10 years or over, the appearance of such child shall be required at the final hearing; provided that the court, in its discretion and for good cause shown, may waive the requirement that such child appear.

C. If, from the report and the evidence presented, the court shall be satisfied that the best interests of the child would be promoted by the adoption, the court shall enter a judgment of adoption.

D. If, from the evidence presented, the court shall be satisfied that the best interests of the child would not be promoted by the adoption, the court shall enter a judgment denying the adoption. If the child is not in the custody of an approved agency, such judgment shall contain such further provisions concerning the custody of the child as may be proper in the circumstances.

E. The clerk of each juvenile and domestic relations court and of each County Court shall promptly file with the Superior Court a copy of each judgment of adoption entered pursuant to this act. The Clerk of the Superior Court shall docket the copies of such

judgments and shall maintain an alphabetical index of all judgments of adoption entered each year pursuant to this act in the juvenile and domestic relations courts and County Courts and the Superior Court of this State.

2. Section 12 of P. L. 1953, c. 264 (C. 9:3-28) is amended to read as follows:

C. 9:3-28 Inquiry as to child over 10.

12. Inquiry as to child over 10. If the child sought to be adopted is of the age of 10 years or over, each report of an approved agency made to the court pursuant to this act shall indicate the understanding and wishes of such child with respect to the proceeding; provided that the court, in its discretion and for good cause shown, may waive this requirement.

3. This act shall take effect immediately.

Approved May 9, 1973.

CHAPTER 123

AN ACT concerning tax appeals, establishing certain rebuttable presumptions relating to cases of alleged discrimination, and amending R. S. 54:3-22 and R. S. 54:4-62 and section 15 of chapter 161 of the laws of 1946.

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

C. 54:1-35a Definitions.

1. Definitions.

a. The "average ratio" of assessed to true value of real property for a taxing district for the purposes of this act shall mean the unweighted, unclassified, arithmetic average as determined by the Director of the Division of Taxation from the latest 1-year study data compiled by the director for the purposes of P. L. 1954, c. 86 (C. 54:1-35.1 et seq.), as of October 1 of the year preceding the tax year as revised by the Division of Tax Appeals.

b. The "common level range" for a taxing district is that range which is plus or minus 15% of the average ratio for that district.

2. Section 15 of P. L. 1946, c. 161 (C. 54:2-40.4) is amended to read as follows:

C. 54:2-40.4 Realty transfer fee and affidavit of consideration as evidence of consideration or sales price; determination of taxable value of property.

15. a. In any proceeding before the Division of Tax Appeals in the State Department of the Treasury where deeds or other instruments of conveyance do not state the true consideration or sales price of the property, which is the subject of appeal, the realty transfer fee, if any, paid upon the recording of such deeds or instruments as well as the affidavit of consideration attached to and filed with any such deed or instrument shall be admitted as prima facie evidence of the true consideration or sales price of the said property.

b. Whenever the Division of Tax Appeals is satisfied by the proofs that the ratio of the assessed valuation of the subject property to its true value exceeds the upper limit or falls below the lower limit of the common level range, it shall revise the taxable value of the property by applying the average ratio to the true value of the property except as hereinafter provided.

c. If the average ratio is below the county percentage level and the ratio of the assessed value of the subject property to its true value exceeds the county percentage level, the Division of Tax Appeals shall reduce the taxable value of the property by applying the average ratio to the true value of the property.

d. If both the average ratio and the ratio of the assessed value of the subject property to its true value exceed the county percentage level, the Division of Tax Appeals shall revise the taxable value of the property by applying the county percentage level to the true value of the property.

e. The provisions of this act shall not apply to any appeal from an assessment of real property taken with respect to the tax year in which the taxing district shall have completed and put into operation a district-wide revaluation program approved by the Director of Taxation pursuant to chapter 424, laws of 1971 (C. 54:1-35.35 et seq.).

3. R. S. 54:3-22 is amended to read as follows:

Hearing of appeals; witnesses; evidence; revision or reduction of taxable value of property.

a. The board shall thereupon make such order respecting the time and manner for hearing the appeal as it may deem just, and shall summarily hear and determine the appeal, and revise and correct the assessment in accordance with the value prescribed by law. All appeals filed pursuant to the provisions of chapter 3 of

Title 54 of the Revised Statutes shall be heard and determined by the board. It may compel the attendance of witnesses, the production of books and papers before it, examine witnesses or cause witnesses to be examined under oath before it, which oath may be administered by a member of the board.

b. In any proceedings before the board where deeds or other instruments of conveyance do not state the true consideration or sale price of the property, which is the subject of appeal, the realty transfer fee paid upon the recording of such deeds or instruments as well as an affidavit of consideration attached to and filed with any such deed or instrument shall be admitted as prima facie evidence of the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid for such transfer of realty.

c. Whenever the county board of taxation is satisfied by the proofs that the ratio of the assessed valuation of the subject property to its true value exceeds the upper limit or falls below the lower limit of the common level range, it shall revise the taxable value of the property by applying the average ratio to the true value of the property except as hereinafter provided.

d. If the average ratio is below the county percentage level and the ratio of the assessed value of the subject property to its true value exceeds the county percentage level, the county board of taxation shall reduce the taxable value of the property by applying the average ratio to the true value of the property.

e. If both the average ratio and the ratio of the assessed value of the subject property to its true value exceed the county percentage level, the county board of taxation shall revise the taxable value of the property by applying the county percentage level to the true value of the property.

f. The provisions of this section shall not apply to any appeal from an assessment of real property taken with respect to the tax year in which the taxing district shall have completed and put into operation a district-wide revaluation program approved by the Director of Taxation pursuant to chapter 424, laws of 1971 (C. 54:1-35.35 et seq.).

4. R. S. 54:4-62 is amended to read as follows:

Amendment of assessment; revision or reduction of taxable value of property.

a. If it shall appear to the satisfaction of the Superior Court, in a proceeding in lieu of prerogative writ, that an assessment of

taxes reviewed thereby is at a rate higher than authorized by the law or resolution authorizing the assessment, or that the value of taxable property for which a person is therein assessed, is too great, the court shall amend the assessment and reduce it to the proper and just amount, in accordance with the provisions of this act.

b. Whenever the Superior Court is satisfied by the proofs that the ratio of the assessed valuation of the subject property to its true value exceeds the upper limit or falls below the lower limit of the common level range, it shall revise the taxable value of the property by applying the average ratio to the true value of the property except as hereinafter provided.

c. If the average ratio is below the county percentage level, and the ratio of the assessed value of the subject property to its true value exceeds the county percentage level, the court shall reduce the taxable value of the property by applying the average ratio to the true value of the property.

d. If both the average ratio and the ratio of the assessed value of the subject property to its true value exceed the county percentage level, the court shall revise the taxable value of the property by applying the county percentage level to the true value of the property.

e. The provisions of this act shall not apply to any appeal from an assessment of real property taken with respect to the tax year in which the taxing district shall have completed and put into operation a district-wide revaluation program approved by the Director of Taxation pursuant to chapter 424, laws of 1971.

C. 54:1-35b Determination of average ratio and common level range.

5. a. On or before April 1 in each year the Director of the Division of Taxation shall, from the latest 1-year study data compiled by the director for the purpose of P. L. 1954, c. 86 (C. 54:1-35.1 et seq.), as of October 1 of the year preceding the tax year, as revised by the Division of Tax Appeals, determine the average ratio and the common level range.

b. On or before such date, the director shall mail to the secretary of each county board of taxation and to the assessor or board of assessors, and the municipal clerk of each municipality, a certified list setting forth such average ratio and the common level range determined by him for each taxing district.

C. 54:1-35c Determination of average ratio when certain real estate sales information is not available.

6. Where it is not possible for purposes of this act, to determine the average ratio in any taxable district by reason of the fact that there are no usable real estate sales during the period referred to in section 1. a. of this act, the director may consider such other data and studies as may be available and he may make such further and different investigations of assessment practices as he may deem necessary or desirable for establishing the "average ratio" required by this act.

7. This act shall take effect immediately and shall be applicable with respect to the tax year 1974 and thereafter.

Approved May 9, 1973.

CHAPTER 124

AN ACT imposing a tax upon certain employers for the benefit of employees with nonvested pension rights and providing for the assessment and collection thereof, and disposition of the revenues derived therefrom.

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

1. This act shall be known and may be cited as "The Private Nonvested Pension Benefits Protection Tax Act."

2. As used in this act:

a. "Employer" means any person, firm or corporation who employs 500 or more people within this State at any time within 1 year prior to the date that it ceases to operate a place of employment.

b. "Place of employment" means any location within this State at which 500 or more persons are employed at any time within 1 year prior to the date that the employer ceases to operate at such location.

c. "Employee" means any person employed at the place of employment during the year prior to the date when the employer ceases to operate the place of employment.

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

e. "Ceases to operate a place of employment" means either the complete termination of operations at a place of employment or a substantial reduction in the number of employees at a place of employment as part of a plan or in connection with an intent to move the business operations at such place of employment outside of the State. Substantial fluctuations in the number of employees of an employer whose business is of a seasonal nature shall not be deemed to be a ceasing to operate a place of employment except to the extent that a substantial reduction in the number of employees of such an employer is attributable to a plan or intention to move the business operations of such an employer outside of the State. When an employer ceases to operate a place of employment but offers to retain all of the employees at another location within the State, this act shall not apply.

f. "Pension plan" means any plan, fund or program which is established, maintained or entered into by an employer for the purpose of providing for its employees, or their beneficiaries, retirement benefits.

g. "Normal retirement benefit" means that benefit payable under a pension plan in the event of retirement at the normal retirement age as prescribed by the plan.

h. "Accrued portion of the normal retirement benefit" means the amount of benefit credited by the employer to the account of an employee participating in a pension plan, or where there is no such credit, that portion of the normal retirement benefit to which the commissioner determines actuarially the employee should be entitled based on the covered service of the employee, as of the date of termination of employment.

i. "Covered service" means periods of employment with an employer which are recognized under the terms of the employer's pension plan for the purposes of determining an employee's eligibility to receive benefits under the plan or the amount of such benefits.

j. "Vested right" means a nonforfeitable, legal right obtained by an employee participating in a pension plan to that part of an immediate or deferred pension benefit which arises from the employee's covered service under the plan and is no longer contingent on the employee remaining covered under the plan.

k. "Nonvested pension benefit" means the accrued portion of the normal retirement benefit of an employee participating in a pension plan to which the employee does not have a vested right.

3. There is hereby assessed upon every employer, who hereafter ceases to operate a place of employment within this State, a tax which shall be equal to the total amount of nonvested pension benefits of such employees of the employer who have completed 15 years of covered service under the pension plan of the employer and whose employment was or will be terminated because of the employer's ceasing to operate a place of employment within this State and whose nonvested pension benefits have been or will be forfeited because of such termination of employment, less the amount of such nonvested pension benefits which are compromised or settled to the satisfaction of the commissioner as provided in this act.

4. Any employer who intends to cease to operate a place of employment within this State shall notify the commissioner of such intention not later than 6 months prior to the date the employer intends to cease to operate its place of employment. In the case of an employer who intends to cease to operate a place of employment within this State within 6 months of the effective date of this act, the notice required by this section shall be given by the employer as soon as practicable, but not later than 10 days, after the effective date of this act.

5. Upon receipt of such notification, or upon his own initiative when such notification is not given as required, the commissioner shall cause an investigation to be made of the employer to determine the number of employees who have completed 15 years of covered service under the pension plan of the employer and whose employment was or will be terminated because of the employer's ceasing to operate a place of employment within this State and whose nonvested pension benefits have been or will be forfeited by such termination of employment, the amounts of any nonvested pension benefits, if any, of such employees, and any other facts or circumstances concerning the employer, his employees and the pension plan for such employees as may be necessary or useful to the commissioner to carry out his duties and responsibilities under this act. The investigation, insofar as practicable, shall be conducted at the employer's place of employment during normal business hours. The employer shall cooperate fully with the commissioner

in such investigation, and shall make available to him any books, records or other information necessary or useful to such investigation. To aid in such investigations, the commissioner is authorized to administer oaths and affirmations and to issue subpoenas to compel the attendance of witnesses or the production of books, records or other documents. The commissioner may seek, through the Attorney General acting on his behalf, orders from any court of competent jurisdiction to compel an employer to comply with the provisions of this act and to punish disobedience of any subpoena issued pursuant to this act.

6. As part of the investigation of an employer, the commissioner shall determine the amount of nonvested pension benefits which have been compromised or settled to his satisfaction. Nonvested pension benefits may be compromised or settled by:

a. Agreement between the employer and employee which is mutually understood by both parties to be a complete and final satisfaction of such benefits; or

b. A provision in a collective bargaining agreement to which both the employer and employee are a party concerning the disposition of pension benefits in case the employer ceases to operate a place of employment, or providing a benefit to the employee contingent upon the employer ceasing to operate a place of employment.

7. After the investigation of the employer, the commissioner shall certify to the Director of the Division of Taxation the total amount of nonvested pension benefits which are includable in determining an employer's tax liability under this act and the amount of such benefits which have been compromised or settled to the satisfaction of the commissioner. The director shall determine the amount of an employer's tax liability under this act and shall notify the employer of the amount of the tax. The tax shall be due and payable to the director on the date that the employer ceases to operate its place of employment and shall be a lien upon all of the employer's assets within this State. If the tax is not paid when due, the employer shall be liable for interest on the amount due at the rate of 6% per annum until the tax and interest are paid.

8. The commissioner shall maintain a separate record of each employee of an employer taxed under this act who had completed 15 years of covered service under the pension plan of the employer and whose employment was terminated because of the employer's

ceasing to operate a place of employment within this State and whose nonvested pension benefits were forfeited by such termination of employment and were not compromised or settled. Each such employee shall be entitled to make a claim, in the form and manner prescribed by the commissioner, for an immediate payment of the current value of his nonvested pension benefits or a deferred pension benefit, and to receive such payment or benefit in accordance with the rules and regulations promulgated by the commissioner.

9. For the purposes of this act, the employment of any employee terminated within 1 year, or within such longer period as prescribed by the commissioner when he determines that an employer is attempting to evade the provisions of this act, of the date an employer ceases to operate a place of employment within this State shall be deemed to have been terminated because of the employer's ceasing to operate its place of employment, unless the employer can conclusively show that the termination was attributable to some other cause.

10. The commissioner may promulgate rules and regulations to provide for the efficient administration of the provisions of this act applicable to him, or to clarify such provisions as may be necessary to effectuate the purposes of this act. The commissioner may use the facilities and personnel of the Department of Labor and Industry, and any appropriations available to carry out his duties and responsibilities under this act.

11. The Director of the Division of Taxation is authorized to promulgate rules and regulations for the assessment and collection of the tax imposed by this act.

12. The funds of any employer which are set aside or reserved for benefits under a pension plan of the employer to which employees have a vested right shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this State, for the collection of the tax imposed by this act.

13. This act shall take effect immediately, and the tax imposed hereby shall expire and be inoperative after July 1, 1974.

Approved May 9, 1973.

CHAPTER 125

AN ACT concerning the professional conduct and practice of pharmacists, permitting senior citizen discounts on the sale of drugs and medications, and amending R. S. 45:14-12.

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

1. R. S. 45:14-12 is amended to read as follows:

Refusal of examination; suspension or revocation of certificates; person deemed unregistered during suspension or revocation; hearing; review.

45:14-12. The board may refuse an application for examination or may suspend or revoke the certificate of a registered pharmacist or a registered assistant pharmacist for any of the following causes: When the application or registration is shown to have been obtained by misrepresentation or fraudulent means or when the applicant or registrant is guilty of chronic or persistent inebriety, or has been adjudged guilty of violating any State or Federal law or any law of the District of Columbia or of any territory of the United States relating to the practice of pharmacy, or relating to the dispensing of drugs, or has been convicted of a crime involving moral turpitude, or has impersonated an applicant for registration before the board or has been convicted of knowingly, intentionally or fraudulently adulterating or causing to be adulterated drugs, chemicals or medicinal preparations or has sold or caused to be sold adulterated drugs, chemicals or medicinal preparations knowing, or having reason to know, that same were adulterated, or has procured or attempted to procure registration for another by misrepresentation or fraudulent means, and the board shall refuse an application for examination or suspend or revoke the certificate of a registered pharmacist or a registered assistant pharmacist when the applicant or registrant is shown to be addicted to the use of narcotic drugs, or has been convicted of violating any law of this or any other state or of the United States relating to narcotic drugs or has been adjudicated an incompetent, or is shown to have any abnormal physical or mental condition which threatens the safety of persons to whom said applicant or registrant might sell or dispense prescriptions, drugs, chemicals, medicinal preparations or devices or for whom he might manufacture, prepare or package, or supervise the manufacturing, preparation or packaging of

prescriptions, drugs, chemicals, medicinal preparations or devices. In addition, the board may refuse an application for examination or may suspend or revoke the certificate of a registered pharmacist or a registered assistant pharmacist upon proof satisfactory to the board that such registered pharmacist or such registered assistant pharmacist is guilty of grossly unprofessional conduct and the following acts are hereby declared to constitute grossly unprofessional conduct for the purpose of this act:

a. Paying rebates or entering into an agreement for payment of rebates to any physician, dentist or other person for the recommending of the services of any person.

b. The providing or causing to be provided to a physician, dentist, veterinarian or other persons authorized to prescribe, prescription blanks or forms bearing the pharmacist's or pharmacy's name, address or other means of identification.

c. The promotion, direct or indirect, by any means, in any form and through any media of the prices for prescription drugs and narcotics or fees or for services relating thereto or any reference to the price of said drugs or prescriptions whether specifically or as a percentile of prevailing prices or by the use of the terms "cut rate," "discount," "bargain" or terms of similar connotation; but this shall not include the term nonprofit if such term is used by a nonprofit entity; and this paragraph shall not be construed or apply to have any effect with respect to sales made by pharmacists or pharmacies directly to physicians, dentists, veterinarians or other persons authorized to prescribe, or to hospitals, nursing homes, governmental agencies, or other institutions licensed under Title 30 of the Revised Statutes, as amended or to the advertising or issuance of trading stamps and similar devices in connection with the sale of said prescription drugs and narcotics.

d. The claiming of professional superiority in the compounding or filling of prescriptions or in any manner implying professional superiority which may reduce public confidence in the ability, character or integrity of other pharmacists.

e. Fostering the interest of one group of patients at the expense of another which compromises the quality or extent of professional services or facilities made available.

f. The distribution of premiums or rebates of any kind whatever in connection with the sale of drugs and medications provided, however, that trading stamps and similar devices shall not be considered to be rebates for the purposes of this chapter and provided further that discounts, premiums and rebates may be

provided in connection with the sale of drugs and medications to any person who is 62 years of age or older. Before a certificate shall be refused, suspended or revoked, the accused person shall be furnished with a copy of the complaint and given a hearing before the board. Any person whose certificate is so suspended or revoked shall be deemed an unregistered person during the period of such suspension or revocation, and as such shall be subject to the penalties prescribed in this chapter, but such person may, at the discretion of the board, have his certificate reinstated at any time without an examination, upon application to the board. Any person to whom a certificate shall be denied by the board or whose certificate shall be suspended or revoked by the board shall have the right to review such action by appeal to the Appellate Division of the Superior Court in lieu of prerogative writ.

2. This act shall take effect immediately.

Approved May 10, 1973.

CHAPTER 126

AN ACT authorizing the Commissioner of Transportation to establish a program to provide motor bus transportation services to senior citizens at reduced fares, and making an appropriation therefor.

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

C. 27:1A-64 Declaration of policy.

1. The Legislature hereby finds and declares that:

a. Many senior citizens of this State must depend on public transportation facilities to obtain the necessities of life, such as food, clothing and medical services, and to visit their families and friends; ready access to transportation services is thus essential to their health, safety and welfare.

b. Many of these senior citizens live on fixed or limited incomes, and the high cost of transportation services thus makes it difficult for them to take advantage of such services.

c. The need for transportation services for senior citizens can largely be satisfied by providing reduced fare service during off-peak times, when many buses are operating below capacity.

d. A reduced fare program for senior citizens will increase riding during offpeak times, thus helping to insure the continued viability of regular bus service during those hours.

e. It is therefore a valid public purpose, and in the best interest of all the people of this State, to provide for reduced bus fares for senior citizens at State expense.

C. 27:1A-65 Definitions.

2. For the purposes of this act, unless the context clearly indicates otherwise:

a. "Commissioner" means the Commissioner of Transportation; provided, however, that he may delegate any of his powers or duties under this act to any subordinate division, agency or employee of the Department of Transportation.

b. "Carrier" means any individual, copartnership, association, corporation, joint stock company, public agency, trustee or receiver operating motor buses on established routes within this State.

c. "Motor bus" means "autobus" as defined in R. S. 48:4-1, and includes those autobuses, commonly called jitneys, as defined in R. S. 48:16-23.

d. "Offpeak times" means the hours from 9:30 a.m. to 4 p.m. and from 7 p.m. to 6 a.m. during the weekdays, and all day on Saturdays, Sundays and holidays.

e. "Senior citizen" means any resident of this State of the age of 62 years or over.

C. 27:1A-66 Establishment and implementation of program.

3. The Commissioner of Transportation is hereby authorized and directed to establish and implement within 120 days of the effective date of this act a program to provide intrastate bus passenger service for senior citizens during offpeak times on regular routes of carriers within the State at one-half of the regular adult rates of fare as set forth in the tariffs of said carriers filed with the Board of Public Utility Commissioners or the Commuter Operating Agency. The commissioner may take such action as he deems necessary to implement this program, including contracts with carriers for the provision of transportation services under this program, purchase of regular tickets and resale to eligible senior citizens at one-half the ordinary fare, or direct payments to carriers for services provided to senior citizens under this program.

C. 27:1A-67 Establishment of certain procedures.

4. In establishing this program, the commissioner shall, after consulting with the Commissioner of Community Affairs, the New Jersey State Commission on Aging and the Board of Public Utility Commissioners, establish uniform procedures for:

- a. Determining the eligibility of persons to receive the reduced fares provided pursuant to this act;
- b. Making such reduced fares available to eligible persons; and
- c. Auditing and accounting to insure that no carrier receives payments in excess of the value of services actually rendered to senior citizens pursuant to this act.

C. 27:1A-68 Rules and regulations.

5. The commissioner is hereby authorized to make and issue such other rules and regulations in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) as he may deem necessary or appropriate to effectuate the purposes of this act.

C. 27:1A-69 Utilization of certain facilities and resources.

6. The commissioner may utilize the personnel, facilities and resources of any other department or agency of the State or any political subdivision thereof, in carrying out his powers and duties under this act, in accordance with such terms and conditions as may be agreed upon between the commissioner and such department or agency.

C. 27:1A-70 Additional fare reductions.

7. Nothing in this act shall preclude any carrier from providing further fare reductions for senior citizens or preclude any municipality from contracting for such further reductions pursuant to P. L. 1973, c. 67 (C. 40:58-4.1 et seq.), or any other law.

C. 27:1A-71 Employment of certain personnel.

8. The commissioner is hereby authorized to hire, employ or assign such secretarial, clerical and other personnel as shall be required for complying with the provisions of this act. The commissioner may also expend a reasonable sum, not to exceed \$50,000.00, for initial advertising to make the senior citizens of the State aware of the program and the availability of the reduced fares thereunder.

C. 27:1A-72 Authority to transport at reduced fares.

9. Notwithstanding any of the provisions of chapter 3 of Title 48 of the Revised Statutes or of any other law to the contrary, any citizen and resident of this State of the age of 62 or more years may be transported by any motor bus carrier at less than the usual and ordinary fare charged to one person.

10. There is hereby appropriated to the Department of Transportation the sum of \$6,100,000.00 to subsidize the cost of the reduced fares provided under the program established by this act and the sum of \$300,000.00 for the administration of such program.

11. This act shall take effect immediately.

Approved May 10, 1973.

CHAPTER 127

AN ACT to amend the "Bingo Licensing Law," approved February 20, 1954 (P. L. 1954, c. 6).

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

1. Section 2 of P. L. 1954, c. 6 (C. 5:8-25) is amended to read as follows:

C. 5:8-25 Authority to license certain organizations; description of games; disposition of proceeds; rights of licensees.

2. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate games of chance of, and restricted to, the specific kind of game of chance commonly known as bingo or lotto played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the

game being won by the person who first covers a previously designated arrangement of numbers on such a card, by selling shares or tickets or rights to participate in such games and by conducting the games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and, in the case of senior citizen associations or clubs, to the support of such organizations, and for any such organization, association, church, congregation, society, club, fire company, first aid or rescue squad, or senior citizen association or club, when so licensed, to hold, operate and conduct such games of chance by its active members pursuant to this act and such license, and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

2. Section 3 of P. L. 1954, c. 6 (C. 5:8-26) is amended to read as follows:

C. 5:8-26 Application for license.

3. Each applicant for such a license shall file with the clerk of the municipality a written application therefor in the form prescribed in said rules and regulations, duly executed and verified, in which shall be stated the name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable the governing body of the municipality to determine whether or not it is a bona fide organization or association of veterans of any war in which the United States has been engaged or a church or a religious congregation or religious organization or a charitable, educational or fraternal organization, or a civic or service club, or a senior citizen association or club, or an officially recognized volunteer fire company or an officially recognized volunteer first aid or rescue squad; the names and addresses of its officers; the specific kind of games of chance intended to be held, operated and conducted by the applicant, and the place or places where, the date or dates and the time or times when, such games of chance are intended to be held, operated and conducted, by the applicant, under the license applied for; the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance

and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; the specific purposes to which the entire net proceeds of such games of chance are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting such game or games of chance or for assisting therein except as in this act otherwise provided; and that no prize or aggregate of prizes will be offered and given under said license of a value in excess of the sum or value authorized to be offered and given by this act and a description of all prizes to be offered and given in all such games of chance to be held, operated and conducted under such license and such other information as shall be prescribed by such rules and regulations.

In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted and to the application shall be appended a statement executed by the applicant and by the member or members so designated, that he or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of the rules and regulations governing the holding, operation and conduct of such games of chance and of this act, if such license is granted.

In event that any premises, upon which any such game of chance is to be held, operated or conducted or which is to be used for any other purpose in connection with the holding, operating or conducting thereof, is to be leased from any person, persons or corporation, a written statement shall accompany the application signed and verified under oath by such person or persons or executed and verified under oath on behalf of such corporation, stating his or its address and the amount of rent which will be paid for said premises and that such lessor or lessors, or if a corporation all of its officers and each of its stockholders who hold 10% or more of its stock issued and outstanding, are of good moral character and have not been convicted of crime.

3. Section 11 of P. L. 1954, c. 6 (C. 5:8-34) is amended to read as follows:

C. 5:8-34 Operation and conduct of games; equipment; expenses; compensation.

11. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of the organization, association, church, congregation,

society, club, fire company, first aid or rescue squad, or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in section 3 of this act or which is in excess of the sum stated as the rental to be charged therefor in such a statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission.

4. Section 15 of P. L. 1954, c. 6 (C. 5:8-38) is amended to read as follows:

C. 5:8-38 Examination of books and records; examination of personnel; disclosure of information.

15. The governing body of the municipality and the control commission shall have power to examine or cause to be examined the books and records of any organization or association, church, con-

gregation, society, fire company, first aid or rescue squad, or senior citizen association or club to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this act.

5. This act shall take effect immediately.

Approved May 10, 1973.

CHAPTER 128

AN ACT concerning the appointment of municipal directors of public safety and supplementing chapter 9 of Title 40A of the New Jersey Statutes (P. L. 1971, c. 200).

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

C. 40A:9-1.1 Appointment of director of public safety.

1. Notwithstanding the provisions of N. J. S. 40A:9-1 or any other law to the contrary, the governing body of any municipality may, by ordinance, appoint to the office of director of public safety a nonresident of said municipality.

2. This act shall take effect immediately.

Approved May 14, 1973.

CHAPTER 129

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84) as said short title was amended by P. L. 1971, c. 213.

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

1. Section 41 of P. L. 1954, c. 84 (C. 43:15A-41) is amended to read as follows:

C. 43:15A-41 Withdrawal; early retirement; death benefit.

41. a. A member who withdraws from service or ceases to be an employee for any cause other than death or retirement shall, upon the filing of an application therefor, receive all of his accumulated deductions standing to the credit of his individual account in the annuity savings fund, plus regular interest, less any outstanding loan, except that for any period after June 30, 1944, the interest payable shall be such proportion of the interest determined at the regular rate of 2% per annum bears to the regular rate of interest, and except that no interest shall be payable in the case of a member who has less than 3 years of membership credit for which he has made contributions. He shall cease to be a member 2 years from the date he discontinued service as an eligible employee, or, if prior thereto, upon payment to him of his accumulated deductions. If any such person or member shall die before withdrawing or before endorsing the check constituting the return of his accumulated deductions, such deductions shall be paid to the member's beneficiary. No member shall be entitled to withdraw the amounts contributed by his employer covering his military leave unless he shall have returned to the payroll and contributed to the retirement system for a period of 90 days.

b. Should a member resign after having established 25 years of creditable service before reaching age 60, he may elect "early retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in subsection a. of this section, an annuity which is the actuarial equivalent of his accumulated deductions together with regular interest, and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of one-seventieth of his final compensation for each year of service credited as Class A service and one-sixtieth of his final compensation for each year of service credited as Class B service, calculated in accordance with section 48 (C. 43:15A-48) of this act, reduced by $\frac{1}{4}$ of 1% for each month that the member lacks of being age 55; provided, however, that upon the receipt of proper proofs of the death of such a member there shall be paid to his beneficiary an amount equal to three-sixteenth of the compensation

upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

The board of trustees shall retire him at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

c. Upon the receipt of proper proofs of the death of a member in service on account of which no accidental death benefit is payable under section 49 there shall be paid to such member's beneficiary:

(1) The member's accumulated deductions at the time of death together with regular interest; and

(2) An amount equal to one and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained age 70, the amount payable shall equal three-sixteenth of such compensation instead of one and one-half times such compensation.

2. This act shall take effect July 1, 1973.

Approved May 16, 1973.

CHAPTER 130

AN ACT concerning supplemental compensation payments for public employees in certain cases.

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

C. 11:14-9 Lump sum payment for unused sick leave.

1. Each employee in the classified service of the State and each State employee not in the classified service who has been granted sick leave under terms and conditions similar to classified employees shall be entitled upon retirement from a State-administered retirement system to receive a lump sum payment as supplemental compensation for each full day of earned and unused accumulated sick leave which is credited to him on the effective date of his retirement in the manner prescribed by section 4 of P. L. 1947, c. 201 (C. 11:14-5).

C. 11:14-10 Entitlement of employees of certain colleges.

2. The supplemental compensation provided under this act shall also be paid to each employee of Rutgers, The State University, Newark College of Engineering and the College of Medicine and Dentistry of New Jersey who performs services similar to those performed by employees of the New Jersey State Colleges who are in the classified service or who have been granted sick leave under terms and conditions similar to those provided to classified employees, including such of those employees of the College of Medicine and Dentistry of New Jersey who are members of the Newark Employees Retirement System.

C. 11:14-11 Effect of election of deferred retirement.

3. A State employee who elects a deferred retirement benefit shall not be eligible for the supplemental compensation payment provided under this act.

C. 11:14-12 Computation of payment; maximum amount.

4. The supplemental compensation payment to be paid hereunder shall be computed at the rate of one-half of the eligible employee's daily rate of pay for each day of earned and unused accumulated sick leave based upon the average annual compensation received during the last year of his employment prior to the effective date of his retirement; provided, however, that no such lump sum supplemental compensation payment shall exceed \$12,000.00.

C. 11:14-13 Certification of amount of unused sick leave.

5. Upon application made by an employee, his appointing authority shall certify, within 45 days, the number of earned and unused accumulated sick leave for which supplemental compensation is to be paid. Payment shall be made from a special account established for this purpose and made available to the several departments.

C. 11:14-14 Supplemental compensation not to affect pension or retirement benefits.

6. The lump sum supplemental compensation provided herein for accumulated sick days shall in no way affect, increase or decrease any pension or retirement benefits to such retired employee under any other statute.

C. 11:14-15 Effect of break in service on sick leave credit.

7. An employee who has incurred or shall incur a break in service as a result of separation due to layoff shall be credited with sick leave accrued both before separation and after return to employment regardless of whether such separation occurred prior to the effective date of this act. An employee incurring a break in service

for any other type of separation on and after the effective date of this act shall have his sick leave computed only from the date of return to employment.

C. 11:14-16 Payment to deceased employee's estate.

8. In the event of an employee's death after the effective date of retirement but before payment is made, the payment shall be made to his estate.

C. 11:14-17 Implementation of act.

9. The President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall jointly prepare and promulgate rules and regulations to implement this act, including but not limited to the procedure for application for, and payment of, such supplemental compensation and reasonable standards for determining which State employees are eligible for the supplemental compensation payment provided herein.

10. This act shall take effect July 1, 1973.

Approved May 16, 1973.

CHAPTER 131

AN ACT concerning pensions for teachers and other employees in certain cases and amending N. J. S. 18A:66-37.

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

1. N. J. S. 18A:66-37 is amended to read as follows:

Early retirement.

18A:66-37. Should a member resign after having established 25 years of creditable service before reaching age 60, he may elect "early retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in section 18A:66-34, an annuity which is the actuarial equivalent of his accumulated deductions and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 1/70 of his final compensation for each year of service credited as class A service and 1/60 of his final compensation for each year of service credited as class B service, calculated in accordance with section 18A:66-44,

reduced by $\frac{1}{4}$ of 1% for each month that the member lacks of being age 55; provided, however, that upon the receipt of proper proofs of the death of such a member there shall be paid to his beneficiary an amount equal to $\frac{3}{16}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

The board of trustees shall retire him at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

2. This act shall take effect January 1, 1974.

Approved May 16, 1973.

CHAPTER 132

AN ACT to amend "An act concerning public utilities, amending, supplementing and repealing parts of Title 48 of the Revised Statutes and supplements thereto and amending and supplementing section 14:2-2 of the Revised Statutes," approved December 12, 1962 (P. L. 1962, c. 198).

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

1. Section 34 of P. L. 1962, c. 198 (C. 48:2-32.2) is amended to read as follows:

C. 48:2-32.2 Intervention by municipalities or counties in hearings or investigations.

34. a. Every municipality may intervene alone or jointly with another municipality or municipalities in any hearing or investigation held by the board, which involves public utility rates, fares or charges, service or facilities, affecting the municipality or municipalities or the public within the municipality or municipalities and may employ such legal counsel, experts and assistants as may be necessary to protect the interest of the municipality or municipalities or the public within the municipality or municipalities. Such municipality or municipalities may by emergency resolution raise and appropriate the funds necessary to provide reasonable compensation and expenses of such legal counsel, experts and assistants.

b. The board of freeholders of any county shall have all the rights of intervention, alone or jointly with any municipality or

municipalities, or with the board of freeholders of any other county, which are conferred upon municipalities by subsection a. of this section, and may use all of the means provided for the effectuation of said rights which are permitted to municipalities under subsection a. of this section.

2. This act shall take effect immediately.

Approved May 17, 1973.

CHAPTER 133

AN Act authorizing the city of Trenton to appropriate \$1,500,000.00 to the Trenton Board of Education for various capital improvements in the district schools.

WHEREAS, The Trenton Board of Education by resolution on April 15, 1971, requested the board of school estimate to fix and determine the sum of \$1,500,000.00 to be raised for various capital improvements in the district schools and the board of school estimate, on August 11, 1971 by resolution, did fix and determine that said amount be raised for the aforesaid purposes; and

WHEREAS, City Council of the city of Trenton on June 22, 1971 agreed to appropriate \$1,500,000.00 for school improvements, which agreement was reduced to writing; and

WHEREAS, City Council of the city of Trenton was subsequently prevented from adopting an ordinance for said purpose due to a change in the Trenton School District from a Type I district to a Type II district; now, therefore,

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.) under which a petition for a special law has been filed with the Legislature, the city of Trenton is authorized to appropriate \$1,500,000.00 to the Trenton Board of Education for various capital improvements in the district schools.

2. The adoption of an ordinance of the city of Trenton appropriating said \$1,500,000.00 and authorizing the issuance of bonds or notes to finance such appropriation shall be deemed to constitute a resolution duly approved by the legal voters of the school district of the city of Trenton, authorizing the Board of Education of the

city of Trenton to issue bonds of the school district for the purpose or purposes and in the amounts set forth in such ordinance. The bonds so issued shall be dated and sold and be made payable in accordance with the provisions of Title 18A, Education, of the New Jersey Statutes relating to the issuance and sale of bonds of Type II school districts.

3. This act shall take effect upon due adoption of an ordinance of the city of Trenton for the purpose of adopting same.

Approved May 17, 1973.

CHAPTER 134

A SUPPLEMENT to the "Passaic River Basin Dredging and Desnagging and Flood Plain Land Acquisition Act of 1971," approved April 22, 1971 (P. L. 1971, c. 110).

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

1. Subject to eligibility therefor and the availability of Federal matching funds under section 205 of the Federal Small Flood Control Act, there shall be appropriated to meet contracts awarded and to be awarded pursuant to P. L. 1971, c. 110 the sum of 1.1 million dollars or so much thereof as may be necessary.

Amounts appropriated by the State pursuant hereto shall be an amount equal to 50% of the nonfederal portion of an eligible project, with the balance paid by the municipalities or counties in which or contiguous to which eligible projects are undertaken. The municipal and county participation in such projects may be paid in cash or in kind, or both, and may include, but not be limited to, the providing of land easements, rights-of-way; relocation of utilities and bridges, provided such in kind participation is acceptable to the Federal and State Governments for purposes of eligibility for Federal matching funds.

2. Funds appropriated pursuant hereto shall be expended for work done in a comprehensive manner under the supervision of the Department of Environmental Protection and all eligible projects approved by said department and by the appropriate Federal authorities.

3. Projects undertaken pursuant to this act shall be maintained by the affected municipalities and counties.

4. This act shall take effect immediately.

Approved May 17, 1973.

CHAPTER 135

AN ACT concerning direct nominations by petition and amending
R. S. 19:13-7.

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

1. R. S. 19:13-7 is amended to read as follows:

Certification of petition.

19:13-7. Before any petition shall be filed as hereinafter provided, at least one of the voters signing the same shall make oath before a duly qualified officer that the petition is made in good faith, that the affiant saw all the signatures made thereto and verily believes that the signers are duly qualified voters.

2. This act shall take effect immediately.

Approved May 17, 1973.

CHAPTER 136

AN ACT concerning subdivision approvals and amending section 2
of chapter 386 of the laws of 1971.

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

1. Section 2 of P. L. 1971, c. 386 (C. 58:11-25.1) is amended to read as follows:

C. 58:11-25.1 Approval of 50 or more realty improvements; certification of proposed water supply and sewerage facilities.

2. No subdivision approval shall be granted by any municipal or other authority in the State to cover 50 or more realty improvements, or less than 50 where the subdivision extends into an adjoining municipality or municipalities and will, in the aggregate, cover 50 or more realty improvements, until the State Department of Environmental Protection has certified that the proposed water supply and sewerage facilities for realty improvements comply with applicable State standards.

2. This act shall take effect immediately.

Approved May 17, 1973.

CHAPTER 137

AN ACT concerning 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. 39:4-56.6 Removal and storage of vehicle parked or left unattended on private property; costs; unclaimed vehicle.

1. No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property or for a period in excess of that for which consent was given, except in the case of emergency or disablement of the vehicle in which case the owner or operator thereof shall arrange for the expeditious removal of the vehicle.

The owner or other person in control or possession of the property on which a vehicle is parked or left unattended in violation of this section may remove or hire another person to remove and store the vehicle. It shall be the obligation of the owner of the vehicle to pay the reasonable costs for the removal and for any storage which may result from such removal before he shall be entitled to recover the possession of the vehicle. If the owner of the vehicle refuses to pay such costs or fails to make any claim for the return of the vehicle within 90 days after such removal, the vehicle may be sold at public auction in accordance with the provisions of N. J. S. 2A:44-20 through N. J. S. 2A:44-31.

C. 39:4-56.7 Issuance of summons for violation.

2. Any law enforcement officer may in the performance of his duty enter upon the property upon request of the property owner wherein a vehicle is parked in violation of section 1 of this act for the purpose of issuing a summons for such violation.

3. This act shall take effect immediately.

Approved May 17, 1973.

CHAPTER 138

AN ACT concerning motor vehicles and amending R. S. 39:3-20.

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

1. R. S. 39:3-20 is amended to read as follows:

Trucks, road tractors and truck tractors; fees; "constructor" registration plates; sections 39:3-84 and 39:4-75 not repealed.

39:3-20. An applicant for registration for trucks, road tractors and truck tractors shall pay to the director a fee based on the gross weight of the vehicle and load including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X" or "Z." Trailer plates shall have the letter "T." The fee for trucks, road tractors and truck tractors shall be paid in accordance with the following:

When the gross weight of vehicle and load, including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles, is 5,000 pounds or less, the minimum registration fee shall be \$40.00 and where greater than 5,000 pounds, the registration fee shall be \$40.00 for the first 5,000 pounds and \$7.30 for each additional 1,000 pounds or portion thereof up to a maximum of 72,000 pounds.

An applicant for registration for trailers and semitrailers shall pay to the director a fee of \$15.00 for each such vehicle.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for automobile commercial vehicles, trailers, semitrailers, and tractors providing for the gross weight of vehicle and load over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section. In no event shall a vehicle

or combination of vehicles, operating as a unit, registered under this section and using "constructor" registration plates exceed a maximum gross weight, inclusive of load, of 70,000 pounds.

The applicant for "constructor" registration plates authorized herein shall pay therefor on each vehicle at the rate of \$16.00 per thousand pounds of gross weight of vehicle and load.

Vehicles registered and using "constructor" registration plates may not be operated at a distance greater than 30 miles from the point established as a headquarters for the particular construction operation and such vehicles, except as hereafter provided, must comply with the speed limitations of Title 39 of the Revised Statutes. Such vehicles when carrying a gross weight of vehicle and load less than 50% of the certificate of registration shall comply with applicable speed laws and shall not move along a highway at a speed greater than 40 miles per hour. When carrying a gross weight of vehicle and load in excess of 50% of the certificate of registration, such vehicle shall comply with applicable speed laws and shall not move along a highway at a speed greater than 30 miles per hour.

It shall be unlawful for any vehicle registered under this act having gross weight of load and vehicle including the gross weight of all vehicles and load in any combination of vehicles in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

In the event that a truck, road tractor or truck tractor registered under this act is found on a highway in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, the drawing vehicle of the combination registered under this act shall have a gross weight registration equal to at least one-half of the combined gross weight of all the vehicles and load in the combination of vehicles. If it does not, the operation of said combination of vehicles on the highways of this State shall be unlawful.

The 5% allowance provided by section 5 of P. L. 1950, c. 142 shall be applicable as heretofore to all registered weight limitations provided in this section, except that in no event shall the gross weight of any vehicle or combination of vehicles, including load, exceed the Federal maximum of 73,280 pounds or as such may be amended from time to time. In the case of a truck, road

tractor or truck tractor registered under this act in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, known as a mixed combination, the 5% allowance shall be applied by adding to the registered weight of the drawing vehicle registered under this act 5% of said registered weight. If the resulting sum is equal at least to one-half of the combined gross weight of the mixed combination, then the mixed combination shall be in compliance with the registration requirements of this section.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either sections 39:3-84 or 39:4-75 of this Title.

2. This act shall take effect immediately.

Approved May 17, 1973.

CHAPTER 139

AN ACT concerning the Division of Alcoholic Beverage Control and amending R. S. 33:1-4.

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

1. R. S. 33:1-4 is amended to read as follows:

Director's powers.

33:1-4. The director is hereby empowered:

a. To maintain suitable headquarters for said division and such other offices and establishments within the State as he may determine necessary; to organize said division, creating such bureaus and altering them in such manner and at such times as he considers advisable.

b. To appoint and have at all times five deputy directors who shall each receive such salary as shall be approved by the director and the president of the Civil Service Commission, subject to availability of funds and who shall be removable by the director for cause, and who shall be respectively in charge of the bureaus assigned to them by the director. Each such deputy shall, before entering upon the duties of his office, if required by the director, give bond, to be approved by the director, in the sum of \$12,000.00. Deputy directors shall not be subject to the provisions of Title 11, Civil Service.

c. To appoint such clerical force and employees as he may deem necessary and to fix their duties, all of whom shall be subject to the provisions of Title 11, Civil Service.

d. To appoint such inspectors, investigators, and executive assistants as he may deem necessary and to fix their duties and compensation. Inspectors, investigators, and executive assistants shall (1) not be subject to the provisions of Title 11, Civil Service, and (2) shall be removable by the director at will; provided, however, that any person who has been employed as such inspector, investigator, or executive assistant for a period of 3 years shall serve during good behavior and shall not be removed except for cause. The director, deputies, inspectors and investigators shall have authority to arrest, without warrant, for violations of this chapter committed in their presence, and shall have all the authority and powers of peace officers to enforce this chapter. Investigators shall have full authority to conduct any investigation ordered by the director.

e. To appoint for short-time employment or for the purpose of performing specified expert or specialist service such experts and specialists as from time to time he shall deem necessary to carry out the provisions of this chapter, and to determine the specified duty, salary or fee and term of service. Such experts or specialists shall not be subject to the provisions of Title 11, Civil Service.

f. To appoint such counsel and other legal assistants as he shall deem necessary to carry out the provisions of this chapter and to fix their powers, duties, salaries and terms of office. Such counsel and assistants shall not be subject to the provisions of Title 11, Civil Service.

2. This act shall take effect immediately.

Approved May 17, 1973.

New Jersey State Library

CHAPTER 140

AN ACT establishing the judicial retirement system, specifying contributions to be paid and benefit rights therein; and repealing sundry acts and parts of acts.

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

C. 43:6A-1 Short title.

1. This act shall be known and may be cited as the “Judicial Retirement System Act.”

C. 43:6A-2 Partial invalidity.

2. If any provision, section, or part of any section of this act is declared to be unconstitutional, the same shall not be held to affect any other section or provision of this act, and the remainder of this act shall in nowise thereby be invalidated.

C. 43:6A-3 Definitions.

3. As used in this act:

a. “Beneficiary” means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

b. “Child” means a deceased member’s or retirant’s unmarried child who is either (a) under the age of 18 (b) of any age who, at the time of the member’s or retirant’s death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board or (c) under the age of 21 and is attending school full time.

c. “Compensation” means the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the State for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member’s retirement or additional remuneration for performing temporary duties beyond the regular work schedule.

d. “Final salary” means the average salary received by the member in the last 12 months of service preceding his retirement or death.

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

f. "Medical board" means the board of physicians provided for in section 29 of this act.

g. "Member" means the Chief Justice and associate justices of the supreme court, judges of the superior court, county courts, county district courts and juvenile and domestic relations courts of the State of New Jersey required to be enrolled in the retirement system established by this act.

For purposes of this act, the person holding the office of standing master by appointment pursuant to P. L. 1948, c. 382 or N. J. S. 2A:1-7 shall have the same privileges and obligations under this act as a judge of a county court.

h. "Parent" means the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

i. "Pension" means payment for life derived from contributions by the State.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension computed on the basis of such mortality tables recommended by the actuary as shall be adopted by the State House Commission with regular interest.

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

l. "Retirant" means any former member receiving a pension as provided by this act.

m. "Retirement system" herein refers to the "Judicial Retirement System of New Jersey," which is the corporate name of the arrangement for the payment of pensions and other benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

n. "Service" means public service rendered for which credit is allowed on the basis of contributions made by the State.

o. "Several courts" means the Supreme, Superior, County, county district and juvenile and domestic relations courts.

p. "Widow" means the woman to whom a member or a retirant was married at least 4 years before the date of his death and to whom he continued to be married until the date of his death. The eligibility of such a widow to receive a survivor pension benefit will be considered terminated by the marriage of the widow subsequent to the member's or the retirant's death. In the event of accidental death the 4-year qualification shall be waived. When used in this act, the term "widow" shall mean and include "widower" as may be necessary and appropriate to the particular situation.

q. "Widower" means the man to whom a member or a retirant was married at least 4 years before the date of her death and to whom she continued to be married until the date of her death. The eligibility of such a widower to receive a survivor pension benefit will be considered terminated by the marriage of the widower subsequent to the member's or the retirant's death. In the event of accidental death the 4-year qualification shall be waived.

C. 43:6A-4 Judicial Retirement System of New Jersey established.

4 There is hereby established the "Judicial Retirement System of New Jersey" in the Division of Pensions of the Department of the Treasury. It shall have the powers and privileges of a corporation. Its purpose is to provide pensions and other benefits for its members and their beneficiaries in accordance with the provisions of this act.

C. 43:6A-5 Membership.

5. The membership of the retirement system shall include:

a. The Chief Justice and the associate justices of the supreme court;

b. Any judge of the superior court;

c. Any judge of the county court;

d. Any judge of the county district court, who is required by law to devote his entire time to his judicial duties and is prohibited from practice of law; and

e. Any judge of the juvenile and domestic relations court of any county, who is required by law to devote his entire time to his judicial duties and is prohibited from practice of law.

Membership in the retirement system is a condition for judicial service for the members of the Judiciary herein listed.

Membership in the retirement system shall cease upon retirement, death or resignation.

C. 43:6A-6 Computation of creditable service.

6. Not more than 1 year shall be credited for all service in a calendar year. In computing years of service, any service for which the member did not receive an annual salary or compensation of at least \$500.00 shall be disregarded. Only service as a public employee of New Jersey shall be considered.

C. 43:6A-7 Retirement upon reaching age 70.

7. Any member of the retirement system who has reached the age of 70 years shall be retired forthwith on the first day of the next calendar month. Any other eligible member of the retirement system may be retired, but not less than 1 month subsequent to the filing of a written and duly executed application with the retirement system. Such application shall be accompanied by a copy of the member's resignation from his judicial office which he has filed in the office of the Secretary of State.

C. 43:6A-8 Retirement for judicial service and age.

8. a. Any member who shall have served at least 10 years as a judge of the several courts and having attained the age of 70 years, shall be retired.

b. Any member who shall have served at least 15 years as a judge of the several courts and having attained the age of 65 years but not the age of 70 years, may retire.

c. Any member who shall have served at least 20 years as a judge of the several courts and having attained the age of 60 years but not the age of 65 years, may retire.

d. Service in the several courts as given in subsections a., b. and c. of this section shall include service in the office of the Chancellor, Chief Justice of the old Supreme Court, associate justice of the old supreme court, judge of the circuit court, Vice-Chancellor, judge of the court of errors and appeals, judge of the court of common pleas, and advisory master to the superior court.

e. Any member of the retirement system eligible to retire under the provisions of this section, shall receive an annual pension during the remainder of his life in the amount equal to three-quarters of his final salary.

C. 43:6A-9 Retirement for judicial service and other public service and age.

9. a. Any judge of the several courts, who shall have served at least 5 years successively as such judge and shall have attained the age of 65 years or more while serving in such office and shall

have served at least 15 years in the aggregate, including such service as a judge, or in office, position, or employment of this State or of a county, municipality, board of education or public agency of this State, may retire.

b. Any judge of the several courts, who shall have served at least 5 years successively as such judge and shall have attained the age of 60 years or more while serving in such office and shall have served at least 20 years in the aggregate, including such service as a judge, or in office, position, or employment of this State or of a county, municipality, board of education or public agency of this State, may retire.

c. Any member of the retirement system, eligible to retire under the provisions of this section, shall receive an annual pension during the remainder of his life in an amount equal to one-half of his final salary.

C. 43:6A-10 "Early" retirement.

10. Should any member resign, or fail of reappointment who shall have served at least 5 years successively as a judge of the several courts and at least 25 years in the aggregate, including such service as a judge or in office, position, or employment of this State or a county, municipality, board of education, or public agency of this State, before reaching age 60, he may elect "early" retirement, provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive a pension in the amount of 2% of his final salary multiplied by his number of years of service up to 25 plus 1% of his final salary multiplied by his number of years of service over 25; provided, however, that such pension shall be reduced in accordance with a table of actuarial equivalents recommended by the actuary and adopted by the retirement system reflecting all months that the member lacks of being age 60.

The State House Commission shall retire him at the time specified or at such other time within 1 month after the date so specified as the commission finds advisable.

C. 43:6A-11 Deferred pension.

11. Should any member resign, or fail of reappointment who shall have served at least 5 years successively as a judge of the several courts and at least 15 years in the aggregate, including such service as a judge or in office, position, or employment of this State

or a county, municipality, board of education, or public agency of this State, before reaching age 60, and not by removal for cause or charges of misconduct or delinquency, he may elect to receive a deferred pension, beginning on the first day of the month following his attainment of age 60 and the filing of an application therefor, in the amount of 2% of his final salary multiplied by his number of years of service up to 25 plus 1% of his final salary multiplied by his number of years of service over 25, provided that such inactive member may elect to receive payments provided under section 10 if he had qualified under that section at the time of leaving service, except that in order to avail himself of the option, he must exercise such option at least 1 month before the effective date of his retirement. If such inactive member shall die after attaining age 60 but before filing an application for retirement benefits pursuant to this section or section 10 and for which benefits he would have qualified, or in the event of death after retirement, there shall be paid to such member's beneficiary the death benefits prescribed by section 19.

No beneficiary shall be eligible for a pension if the member who elected to receive a deferred pension shall die before attaining age 60.

Any member who, having elected to receive a deferred pension, again becomes a member while under the age of 60, shall thereupon be reenrolled. He shall be credited with all service as a member standing to his credit at the time of his election to receive a deferred pension.

C. 43:6A-12 Retirement for disability.

12. Whenever the Supreme Court shall certify to the Governor, or upon the written application by a member of the retirement system, any member who shall have served as a judge of the several courts, may be retired for disability if the member has become physically or otherwise incapacitated for full and efficient service to the State in his judicial capacity. The Governor shall thereupon refer the disability claim to the medical board of the retirement system, which shall designate a physician or physicians to examine the member and report to the Governor as to his physical or other disability and whether in all reasonable probability, if they find the disability existent, it will continue permanently and does and will continue to prevent the member from giving full and efficient service in the performance of his judicial duties. If the report of the medical board confirms the existence of the disability, and if the Governor recommends retirement, the claim shall be presented to the State House Commission.

Upon approval by the State House Commission, the member shall be retired not less than 1 month next following the date of filing of an application with the retirement system, and he shall receive an annual pension during the remainder of his life in an amount equal to three-fourths of his final salary.

C. 43:6A-13 Retired judge not to engage in practice of law; assignment to sit in court.

13. a. No member of the retirement system shall, while receiving a pension pursuant to this act, engage in the practice of law before any of the courts of this State.

b. Any judge retired on pension, except a judge of a municipal court, who has not attained the age of 70 years, may, with his consent, be assigned by the Chief Justice to sit in any court but the Supreme Court, or in the case of a retired justice of the supreme court, to sit in any court.

c. Upon such assignment the retired judge shall have all the powers of a judge or justice of the court to which he is assigned and shall be paid a per diem allowance to be fixed by the Chief Justice at a rate which for a court year together with his pension, shall not exceed the current salary of the court from which he retired. In addition such judge or justice shall be reimbursed for all reasonable expenses actually incurred in connection with such assignment. Such per diem compensation and expenses shall be paid by the State.

d. Payment for such service shall be made in the same manner as is compensation of the active judges of the court from which he retired.

C. 43:6A-14 Membership in other retirement systems.

14. a. Any judge who is required to be a member of the retirement system established by this act and who holds membership in a retirement system established pursuant to any other law of this State shall cease to be a member of such other retirement system as of the effective date of this act. Any person becoming a judge of the several courts after the effective date of this act, who holds membership in a retirement system established pursuant to any other law of this State shall cease to be a member of such other retirement system on the date he becomes such judge.

b. Any such judge shall, upon his request, receive a refund of his contributions to such retirement system, without interest, less any unpaid balance of an outstanding loan, as of the effective date of this act or the date on which he becomes such judge, whichever is later. If any such judge shall be eligible for benefits under any such retirement system as of the effective date of this act, or if later,

as of the date he becomes such judge, he may elect to receive an annuity based on his own contributions while continuing to serve as such judge; provided, however, that if any such judge shall subsequently elect to receive benefits under the provisions of this act, all rights to retirement and death benefits under any other law of this State shall thereby be terminated except as hereinafter provided in subsection c.

c. If any such judge elects to receive benefits pursuant to the provisions of this act after having received benefits from a retirement system established pursuant to another law of this State, such judge shall be entitled to receive the value of his contributions, without interest, to such other retirement system reduced by the value of any benefits received from such retirement system.

If any such judge dies in service before he could elect to receive the benefits pursuant to the provisions of this act, after having received benefits from a retirement system established pursuant to another law of this State, his eligible beneficiary shall be entitled to receive the value of the member's contributions, without interest, to such other retirement system reduced by the value of any benefits received by the judge from such retirement system.

C. 43:6A-15 Eligibility of veterans for certain benefits.

15. No public employee veteran eligible for membership in the retirement system established by this act shall be eligible for, or receive, retirement benefits under R. S. 43:4-1, 43:4-2 and 43:4-3.

C. 43:6A-16 Amount and payment of pensions.

16. All pensions granted under the provisions of this act shall be effective only on the first day of a month, shall be paid in equal monthly installments, and shall not be decreased, increased, revoked, or repealed, except as otherwise provided in this act.

Upon the death of a retirant, any unpaid benefits due him shall be paid in one lump sum to his beneficiary. No pension shall be due to a retirant or a beneficiary unless it constitutes a payment for an entire month.

C. 43:6A-17 Death of member in active service; pension payable to widow and children; death benefit.

17. a. Upon the receipt of proper proofs of the death in active service of a member of the retirement system, there shall be paid to his widow a pension of 25% of final salary for the use of herself, to continue during her widowhood, plus 10% of final salary payable to one surviving child or plus 15% of final salary to two or more surviving children; if there is no surviving widow

or in case the widow dies or remarries, 15% of final salary will be payable to one surviving child, 20% of final salary to two surviving children in equal shares and if there be three or more children, 30% of final salary will be payable to such children in equal shares. If there is no surviving widow or child, 20% of final salary will be payable to one surviving parent or 30% of final salary will be payable to two surviving parents in equal shares.

b. In addition to the foregoing benefits payable under subsection a., there shall also be paid in one sum to the member's beneficiary an amount equal to one and one-half times the final salary received by the member.

C. 43:6A-18 Death of member after retirement; pension payable to widow and children.

18. Upon the receipt of proper proofs of the death after retirement of a member of the retirement system, there shall be paid to his widow a pension of 25% of final salary for the use of herself, to continue during her widowhood, plus 10% of final salary payable to one surviving child or plus 15% of final salary to two or more surviving children; if there is no surviving widow or in case the widow dies or remarries, 15% of final salary will be payable to one surviving child, 20% of final salary to two surviving children in equal shares and if there be three or more children, 30% of final salary will be payable to such children in equal shares.

C. 43:6A-19 Death benefit of member retired on pension based on age and service.

19. Upon the receipt of proper proofs of the death of a member who has retired on a pension based on age and service, or pursuant to section 10, there shall be paid to the member's beneficiary, an amount equal to one-fourth of the final salary received by the member.

C. 43:6A-20 Death benefit of member retired on disability pension.

20. Upon the receipt of proper proofs of the death of a member who has retired on a disability pension, there shall be paid to the member's beneficiary, an amount equal to one and one-half times the final salary received by the member if such death occurs before the member shall have attained 60 years of age but if such death occurs thereafter, an amount equal to one-fourth of the final salary received by the member.

C. 43:6A-21 Authority to purchase group life insurance coverage.

21. The State Treasurer is hereby authorized and permitted to purchase from one or more life insurance companies, as determined by him, group life insurance coverage to provide for the death

benefits specified in sections 17 b., 19 and 20. Such group life insurance coverage may be provided under one or more policies issued to the State Treasurer specifically for this purpose or, in the discretion of the State Treasurer, under one or more policies issued to the State Treasurer which provide group life insurance coverage for members of one or more other retirement systems of the State of New Jersey. Whenever such policy or policies of group insurance shall be in effect, the benefits payable thereunder shall be in lieu of the above mentioned death benefits provided by said sections.

Any dividend or retrospective rate credit allowed by an insurance company shall be credited in an equitable manner to the special insurance funds from which premiums are paid.

C. 43:6A-22 Qualifications of life insurance company.

22. Any life insurance company must meet the following requirements in order to qualify under section 21:

- a. be licensed under the laws of the State of New Jersey to transact life and accidental death insurance; and
- b. the amount of its group life insurance in the State of New Jersey shall at the time said insurance is to be purchased equal at least 1% of the total amount of such group life insurance in the State of New Jersey in all life insurance companies.

C. 43:6A-23 Determination to purchase group insurance coverage.

23. The State Treasurer may, in his discretion, determine to purchase group life insurance coverage for the death benefit provisions as provided in sections 17 b., 19 and 20, or may determine not to purchase any group insurance coverage for the death benefit provisions heretofore mentioned.

C. 43:6A-24 Payment of premiums.

24. In the event the State Treasurer shall determine to purchase group insurance coverage for the death benefits, premiums for the same shall be paid from a special fund, hereby created, called the "Group Insurance Premium Fund." The State Treasurer shall estimate annually the amount which will be required for premiums for such benefits for the ensuing fiscal year. The State shall pay over to the State Treasurer the amount so required who shall deposit it in the Group Insurance Premium Fund. During the period such group insurance policy or policies are in effect the State Treasurer shall in no way commingle moneys in this fund with any pension fund established by this act.

C. 43:6A-25 Insurance to include conversion privilege.

25. Any such group policy or policies shall include, with respect to any insurance terminating or reducing because an insured person has ceased to be in active service or has retired, the conversion privilege available upon termination of employment as prescribed by the law relating to group life insurance; and shall also include, with respect to insurance terminating because of termination of the group policy resulting from a termination of all death benefits established under sections 17b., 19 and 20, the conversion privilege available upon termination of the group policy as prescribed by such law. Any such group policy or policies shall also provide that if an insured person dies during the 31-day period during which he would be entitled to exercise the conversion privilege, the amount of insurance with respect to which he could have exercised the conversion privilege shall be paid as a claim under the group policy.

If any member who has exercised the conversion privilege under the group policy or policies again becomes a member of the retirement system, and the individual policy obtained pursuant to the conversion privilege is still in force, he shall not again be eligible for any of the death benefits provided by sections 17 b., 19 and 20, unless he furnishes satisfactory evidence of insurability.

When benefits payable upon the death of a member following retirement are determined as though he were an active member at the time of his death, the death benefit payable under the group policy or policies together with the amount of insurance paid under any individual policy obtained under the conversion privilege, shall in no event exceed the amount of insurance for which the member was insured under the group policy or policies immediately prior to the date the right of conversion arose.

C. 43:6A-26 Insurance benefits payable to living person designated by insured.

26. Benefits under such group policy or policies shall be paid by the insurance company to such person, if living, as the insured person shall have nominated by written designation duly executed and filed with the insurance company through the policyholder, otherwise to the executors or administrators of the insured person's estate. An insured person may file with the insurance company through the policyholder and alter from time to time during his lifetime, as desired, a duly attested written nomination of his payee for the death benefit.

C. 43:6A-27 Options for settlement of insurance benefits.

27. Any such group policy or policies shall provide that payment of any death benefits which are payable by the insurance company

may be made in one sum directly to the beneficiary as hereinafter provided, in equal installments over a period of years or as a life annuity or in such other manner as may be made available by the insurance company. An insured person may make arrangements for settlement, and may alter from time to time during his lifetime any arrangement previously made, by making written request to the insurance company through the policyholder. Upon the death of an insured person, a beneficiary to whom a benefit is payable in one sum by the insurance company may likewise arrange for a settlement as described above. If an insured person's or beneficiary's request for settlement of any death benefit in equal installments over a period of years or as a life annuity pursuant to the foregoing is approved by the policyholder, the amount of such installments or such life annuity, as the case may be, shall be determined on the basis of such applicable mortality tables as shall have been adopted by the retirement system and are in effect at the death of the insured person. Any arrangement for payment under the group policy to a beneficiary shall be in lieu of that provided by sections 17 b., 19 and 20.

C. 43:6A-28 Authority to credit certain savings to policyholder.

28. Notwithstanding any other provision of law, any insurance company or companies issuing such policy or policies may credit the policyholder, in the form of reduced premiums, with savings by said company or companies in the event that no brokerage commission or commissions are paid by said company or companies on the issuance of such policy or policies.

C. 43:6A-29 Operation of retirement system.

29. a. Subject to the provisions of P. L. 1955, c. 70 (C. 52:18A-95 to 52:18A-104), the general responsibility for the proper operation of the retirement system is hereby vested in the State House Commission.

b. Except as otherwise herein provided, no member of the State House Commission shall have any direct interest in the gains or profits of any investments of the retirement system, nor shall any member of the State House Commission directly or indirectly, for himself or as an agent in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the commission; nor shall any member of the State House Commission become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

c. For purposes of this act, each member of the State House Commission shall be entitled to one vote and a majority vote of all members shall be necessary for any decision by the commission at any meeting of said commission.

d. Subject to the limitations of this act, the State House Commission shall annually establish rules and regulations for the administration of the funds created by this act and for the transaction of its business. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

e. The actuary of the system shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions. He shall be the technical adviser of the commission on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection herewith.

f. The Attorney General shall be the legal adviser of the retirement system.

g. The Director of the Division of Pensions of the State Department of the Treasury shall be the secretary of the commission for purposes pertaining to the provisions of this act.

h. For purposes of this act, the State House Commission shall keep a record of all of its proceedings which shall be open to public inspection. The retirement system shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of any actuarial valuation of the assets and liabilities of the retirement system.

i. The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions. It shall be composed of three physicians. The medical board shall pass on all medical examinations required under the provisions of this act, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

C. 43:6A-30 Trustee of funds; custodian of funds; administration of program.

30. a. The State House Commission shall be and is hereby constituted the trustee of all the various funds established by this act except the group insurance premium fund; provided, however, that all functions, powers, and duties relating to the investment or re-

investment of moneys of, and purchase, sale, or exchange of any investments or securities, of or for any fund established under this act, shall be exercised and performed by the Director of the Division of Investment in accordance with the provisions of P. L. 1950, c. 270 (C. 52:18A-79 et seq.).

b. The secretary of the commission shall determine from time to time the cash requirements of the various funds established by this act and the amount available for investment, all of which shall be certified to the Director of the Division of Investment.

c. The Treasurer of the State of New Jersey shall be the custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by the secretary. A duly attested copy of the resolution of the State House Commission bearing on its face the specimen signature of the secretary shall be filed with the treasurer as his authority for making payments upon such vouchers.

d. The administration of the program shall be performed by the personnel of the Division of Pensions of the State Department of the Treasury and the costs of administration shall be borne by the State.

C. 43:6A-31 Duties of actuary.

31. The actuary shall recommend such data as shall be necessary for actuarial valuation of the various funds created by this act. Once in every 3-year period the actuary shall make an actuarial investigation into the mortality, service and salary experience of the members and beneficiaries and shall make a valuation of the assets and liabilities of the various funds created by this act. Upon the basis of such investigation and valuation, with the advice of the actuary, the commission shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary.

C. 43:6A-32 Establishment of reserve funds.

32. Under this act there shall be established a contingent reserve fund and a retirement reserve fund.

C. 43:6A-33 Contingent reserve fund.

33. The contingent reserve fund shall be the fund in which shall be credited contributions made by the State.

a. Upon the basis of such tables recommended by the actuary as the commission adopts and regular interest, the actuary shall compute annually the amount of the contribution, expressed as a proportion of the salaries paid to all members, which if paid

monthly during the entire prospective service of the members, will be sufficient to provide for the pension reserves required at the time of the discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account and to provide for the amount of the death benefits payable on their account, which amount is not covered by other contributions to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution."

b. Upon the basis of such tables recommended by the actuary as the commission adopts and regular interest, the actuary shall compute the amount of the unfunded liability as of June 30, 1973 which has accrued on the basis of services rendered prior to July 1, 1973 by all members, including the amount of the liability accrued by reason of pensions to be granted on account of services rendered by members, which has not already been covered by previous State and county contributions to the Public Employees' Retirement System transferred to the retirement system under provisions of subsection d. Using the total amount of this unfunded accrued liability he shall compute the amount of the flat annual payment which, if paid in each succeeding fiscal year commencing with July 1, 1974 for a period of 40 years, will provide for this liability. This shall be known as the "accrued liability contribution."

c. The actuary shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the proportion of the earnable salary of all members, computed as described in subsection a. hereof and of the State's accrued liability contribution, payable in the ensuing year, as described in subsection b. hereof. The State shall pay into the contingent reserve fund during the ensuing year the amount so determined. In the event the amount certified to be paid by the State includes amounts due for services rendered by members to counties, the total amount so certified shall be paid to the retirement system by the State; provided, however, the full cost attributable to such services rendered to such counties shall be computed separately by the actuary and the State shall be reimbursed for such amounts by such counties.

The cash death benefits, payable as the result of contribution by the State under the provisions of this act upon the death of a member in active service and after retirement, shall be paid from the contingent reserve fund.

d. Within 90 days following the effective date of this act, the Public Employees' Retirement System of New Jersey shall transfer that portion of the actuarial reserves established in that system on the basis of contributions made by the State and counties on behalf of those judges whose membership in the Public Employees' Retirement System shall be terminated by provisions of this act and whose retirement and death benefit coverage will be provided by the Judicial Retirement System of New Jersey. The transfer of the reserves to the retirement system established by this act shall be accomplished upon certification by the consulting actuary of the Public Employees' Retirement System of New Jersey as to the amounts to be transferred.

C. 43:6A-34 Retirement reserve fund.

34. The retirement reserve fund shall be the fund from which all pensions shall be paid.

Upon the retirement of a member, the reserve needed to produce the pension shall be transferred from the contingent reserve fund. If the pension of a member who has been retired is subsequently canceled, the appropriate reserve shall be transferred to the contingent reserve fund.

Any surplus or deficit developing in the retirement reserve fund shall be adjusted from time to time by transfer to or from the contingent reserve fund by appropriate action of the retirement system upon the advice of the actuary.

C. 43:6A-35 Interest on balance of reserve funds.

35. The retirement system at the end of each fiscal year shall allow interest on the balance of the contingent reserve fund and the retirement reserve fund as of the beginning of said fiscal year at the regular interest rate applicable thereto to cover the interest creditable to the respective funds for the year. The amount so allowed shall be due and payable to said funds and shall be credited annually.

C. 43:6A-36 Interest charges, maintenance of reserves, and payment of pensions as obligations of State.

36. Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund, the maintenance of retirement reserves as provided for in this act and the payment of all pensions and other benefits granted by the State House Commission under the provisions of this act are hereby made obligations of the State. All income, interest and dividends derived from deposits and investments authorized by this act shall be used for the payment of these obligations of the State.

Upon the basis of such actuarial determination and appraisal provided for in this act an itemized estimate of the amounts necessary to be appropriated by the State to the various funds to provide for the payment in full during the ensuing fiscal year of the obligations of the State accruing during that year shall be submitted by the retirement system to the Governor so that it may be included in the budget request submitted by the Governor to the Legislature. The Legislature shall make an appropriation sufficient to provide for such obligations of the State. The amounts so appropriated shall be paid into the various funds created by this act.

C. 43:6A-37 Application of provisions of certain statutes to system members or beneficiaries.

37. a. No other provisions of the law in any other statute which provides wholly or partly at the expense of the State of New Jersey or any political subdivision thereof for pensions or retirement benefits for members of this system and for beneficiaries shall apply to such members or beneficiaries.

b. Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pensions or other benefits to any member or beneficiary for which reserves have not been previously created from funds contributed by the State for such benefits.

C. 43:6A-38 Authority to correct errors and adjust payments.

38. Should any change or error in the records of this retirement system result in any member or person receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement system shall, as far as practicable, correct such error and adjust the payments in such manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

C. 43:6A-39 Waiver of portion of pension or benefit.

39. Any member or any beneficiary who has been or, in the future, may be retired, or receive a pension or benefit pursuant to the provisions of this act, may, by filing written request with the retirement system, waive payment of a portion of the pension or benefit to which he may be entitled.

Upon the receipt of such waiver, and until the same is withdrawn, altered or revoked by a subsequent written request, similarly filed, the retirement system shall pay a reduced pension or benefit, as shall be requested in such waiver. The member or the beneficiary

shall not be entitled to a refund, or credit, for such moneys as shall have been waived during the period such waiver has been in effect.

C. 43:6A-40 Deductions for group health insurance premiums.

40. If possible, whenever any retirant or beneficiary shall, in writing, request the Division of Pensions to make deductions from his pension for the purpose of paying premiums for the pensioners' group health insurance plan or the State Health Benefits program, the division may make such deductions and transmit the sums so deducted to the companies carrying the policies. Any such written authorization may be withdrawn by any retirant or beneficiary upon filing notice of such withdrawal with the division.

C. 43:6A-41 Rights and moneys exempt from certain taxes, and from levy and sale and from attachment; assignment of rights and benefits conferred by group insurance policy.

41. The right of a person to a pension or any benefit or right accrued or accruing to a person under the provisions of this act and the moneys in the various funds created under this act, shall be exempt from any State or municipal tax and from levy and sale, garnishment, attachment or any other process arising out of any State or Federal court, and, except as hereinafter in this section and as in this act otherwise provided, shall be unassignable.

Nothing in this section shall prohibit any person insured under a group insurance policy, pursuant to an arrangement among the insured, the group policyholder and the insurer, from making to any person other than his employer, a gift assignment of the rights and benefits conferred on him by any provision of such policy or by law including specifically but not by way of limitation the right to exercise the conversion privilege and the right to name a beneficiary. Any such assignment, whether made before or after the effective date of this act, shall entitle the insurer to deal with the assignee as the owner of all rights and benefits conferred on the insured under the policy in accordance with the terms of the assignment.

C. 43:6A-42 Designation and payment of beneficiary or beneficiaries.

42. The designation of beneficiary by a member or retirant shall be made in writing on a form satisfactory to the retirement system, and filed with the retirement system. The member or retirant may, from time to time and without the consent of his death benefit designee, change the beneficiary by filing written notice of the change with the system on a form satisfactory to it. The new nomination will be effective on the date the notice, in proper form,

is received by the system, and any prior nomination shall thereupon become void.

If more than one beneficiary is nominated and in such nomination the member or retirant has failed to specify their respective interests, the beneficiaries shall share equally. If any beneficiary predeceases the member or retirant, the interest of such beneficiary shall terminate and shall be shared equally by such of the beneficiaries as survive the member or retirant, unless the member or retirant has made written request to the contrary in his beneficiary nomination.

Any amounts due for which there is no beneficiary at the death of a member, retirant or beneficiary shall be payable to the estate of such member, retirant or beneficiary.

Except with regard to the payment of one-fourth of final salary upon the death of a retirant as provided in sections 19 and 20, a member may elect, by making written request to the retirement system, that the whole or any part of his death benefits be made payable to his beneficiary either as a life annuity or in equal installments over a period of years specified in such election, and may alter such election from time to time during his lifetime by again making such written request. In the event of a change of beneficiary, any previous arrangement by the member or retirant under this paragraph shall be void. The election set forth in this paragraph shall not apply or be available when the beneficiary is an estate, or corporation, partnership, association, institution, trustee, or any fiduciary.

If, at the member's or retirant's death, an amount of death benefit would be payable to the beneficiary in a single sum, any election with regard to such amount which was available to the member or retirant immediately prior to his death in accordance with the provisions of the immediately preceding paragraph shall then be available to such beneficiary for the benefit of such beneficiary.

C. 43:6A-43 Active membership defined.

43. For the purposes of section 17b. a member shall be deemed to be an active member for a period of no more than 93 days while on official leave of absence without pay when such leave is due to any reason other than illness, or for a period of no more than 2 years while on an official leave of absence without pay if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to the member's personal illness.

If a member dies within 30 days after the date of retirement or the date of commission approval, whichever is later, a death benefit shall be payable only if he is deemed to be an active member in accordance with this section; provided, however, a member applying for disability benefits shall be deemed an active member if he was covered by the death benefit provisions of the act at the termination of employment, filed the application for disability retirement with the retirement system within 30 days following such termination of employment and dies within 30 days after the date of retirement or the date of commission approval, whichever is later.

C. 43:6A-44 Entitlement to certain benefits.

44. Any other provision of this act notwithstanding, (a) no beneficiary of a retirant who retired for any reason other than disability shall be entitled to receive benefits pursuant to the death benefit coverages provided by sections 19 and 20 of this act if the retirant had less than 10 years of service credit for retirement purposes at the time of retirement; and (b) no member or beneficiary shall be entitled to receive a monthly pension or other benefit payable pursuant to this act unless the amount of the pension or benefit would be at least \$25.00 per month.

C. 43:6A-45 Repeal of certain acts and parts of acts.

45. The following acts and parts of acts, and all amendments thereof, are repealed:

- a. P. L. 1948, c. 391 (C. 43:6-6.4 to 43:6-6.10)
- b. P. L. 1949, c. 178 (C. 43:9-25 to 43:9-27)
- c. P. L. 1949, c. 181 (C. 43:9-24)
- d. P. L. 1955, c. 10 (C. 43:9-27.1)
- e. Sections 1, 2, 3, 4, 5 and 6 of P. L. 1957, c. 206 (C. 43:15A-121 to 43:15A-126)
- f. P. L. 1961, c. 42 (C. 43:9-27.2)
- g. Sections 2, 3, 4, 5, 6, 7 and 8 of P. L. 1963, c. 36 (C. 2A:3-21.2 to 2A:3-21.8)
- h. P. L. 1963, c. 78 (C. 43:6-6.12)
- i. P. L. 1963, c. 183 (C. 43:6-6.13 to 43:6-6.17)
- j. P. L. 1964, c. 135 (C. 43:6-6.18 to 43:6-6.22)
- k. P. L. 1964, c. 149 (C. 43:6-6.23 to 43:6-6.26)
- l. P. L. 1964, c. 250 (C. 43:6-6.27 to 43:6-6.29)
- m. P. L. 1965, c. 147 (C. 2A:3-21.7a)
- n. P. L. 1967, c. 133 (C. 43:6-6.37, 43:6-6.38)
- o. P. L. 1967, c. 290 (C. 2A:3-21.9)
- p. P. L. 1968, c. 15 (C. 2A:3-21.10)

- q. P. L. 1968, c. 232 (C. 43:6-6.39 to 43:6-6.41)
- r. P. L. 1969, c. 210 (C. 2A:3-21.11 to 2A:3-21.13).

C. 43:6A-46 Provisos.

46. The repeal of the foregoing laws is subject to the following provisos:

a. Any person retired under any of the provisions of said acts and receiving or entitled to receive benefits thereunder, prior to their repeal, shall continue to receive the same benefits or shall continue to be entitled to receive the same benefits and to the same extent, as if such acts had not been repealed.

b. Any beneficiary receiving an allowance or eligible to receive an allowance under such acts shall continue to receive or be eligible to receive such allowance as provided under such acts.

c. Any person electing to have deductions for health insurance subtracted from his pension shall continue to have such deductions subtracted as if such acts had not been repealed.

d. Any person who, as of the effective date of this act, meets the requirements for retirement under such acts, may make such application within 30 days after such effective date and be retired on or before the effective date of this act, as if such acts had not been repealed. He shall thereafter receive benefits to the same extent as if such acts had not been repealed.

e. If any person covered under such acts dies prior to their repeal, but before retirement, his eligible beneficiaries shall receive the benefits provided by such acts to the same extent as if such acts had not been repealed.

f. All benefits payable pursuant to this section, shall, following the effective date of this act, be paid in equal monthly installments. No pension shall be due to a retirant or a beneficiary unless it constitutes a payment for an entire month.

g. As of the effective date of this act, all contributions made by any judge pursuant to section 8, P. L. 1965, c. 74 (C. 43:6-6.4) shall be returned to him.

47. This act shall take effect immediately.

Approved May 22, 1973.

CHAPTER 141

AN ACT concerning the diversion of surface, subsurface and percolating waters for agricultural and horticultural purposes and amending P. L. 1963, c. 181 and P. L. 1947, c. 375.

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

1. Section 9 of P. L. 1963, c. 181 (C. 58:1-43) is amended to read as follows:

C. 58:1-43 Recommendation to accompany application for diversion of water for irrigation of farm crops; records.

9. Where application is made for diversion of surface water for irrigation of farm crops, such application shall be accompanied by a recommendation from the Cooperative Extension Service as to optimum rates of application and total amounts of water required by the crops and soil types to which water is to be supplied. In the issuance of permits for such purposes, the division shall offer an option of keeping logs or other appropriate records on diversion or withdrawal of water or the use of a water meter, and require annual reports of such diversion or withdrawal; provided, however, that if the division determines at any time that a permit holder who has elected to keep a log or other record has failed to comply with the division's regulations regarding the keeping of logs or other appropriate records, an amended permit may be issued to such permit holder requiring the use of a water meter or meters for the keeping of records.

2. Section 2 of P. L. 1947, c. 375 (C. 58:4A-2) is amended to read as follows:

C. 58:4A-2 Permit for diversion in delineated areas; records.

2. In areas so delineated by the Division of Water Policy and Supply no person, corporation or agency of the public shall hereafter divert or obtain water from subsurface or percolating sources in excess of one hundred thousand gallons per day for any purpose unless such person, corporation or agency of the public shall first obtain a permit for such withdrawal from the Division of Water Policy and Supply. Such permit may be refused, or if granted, may include such stipulations as may be necessary to conserve the subsurface and percolating waters of the State and prevent their exhaustion.

Stipulations in permits granted to commercial growers of agricultural and horticultural crops and livestock, shall offer an option of keeping logs or other appropriate records on diversion or withdrawal of water or the use of a water meter, and require annual reports of such diversion or withdrawal; provided, however, that if the division determines at any time that a permit holder who has elected to keep a log or other record has failed to comply with the division's regulations regarding the keeping of logs or other appropriate records, an amended permit may be issued to such permit holder requiring the use of a water meter or meters for the keeping of records.

3. This act shall take effect immediately.

Approved May 22, 1973.

CHAPTER 142

AN ACT to authorize the city of Long Branch in the county of Monmouth to make permanent the appointment of Earl Langley to the police department of the city of Long Branch.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the city of Long Branch, in the county of Monmouth is authorized to make permanent the appointment of Earl Langley to the police department of the city of Long Branch notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Long Branch for the purpose of adopting same.

Approved May 22, 1973.

CHAPTER 143

AN ACT to authorize the borough of South Belmar in the county of Monmouth to make permanent the appointment of Rosman H. Cash to the police department of the borough of South Belmar.

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

Private act.

1. The borough of South Belmar in the county of Monmouth is authorized to make permanent the appointment of Rosman H. Cash to the police department of the borough of South Belmar notwithstanding that his height is less than that required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. This act shall take effect upon due adoption and publication of an ordinance of the borough of South Belmar for the purpose of adopting same.

Approved May 22, 1973.

CHAPTER 144

AN ACT to amend "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school and other districts, State agencies and other public authorities and agencies," approved July 3, 1969 (P. L. 1969, c. 137), as said title was amended by P. L. 1970, c. 49.

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

1. Section 1 of P. L. 1969, c. 137 (C. 31:1-7) is amended to read as follows:

C. 31:1-7 Interest rate limitations applicable to counties, municipalities, etc.; suspension.

1. Notwithstanding the provisions of any other law, statute or regulation applicable to or constituting any limitation on the maximum rate of interest per annum payable on bonds, notes or other obligations, or as to annual interest cost to maturity of money

borrowed or received upon issuance of bonds, notes or other obligations, every county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created by the State, any county, or municipality or by one or more counties or municipalities, is hereby authorized and empowered for the period from the effective date of this act through June 30, 1974 to contract to pay interest on or an interest cost per annum for money borrowed and evidenced by bonds, notes or other obligations issued during said period without limit as to the rate of interest per annum payable thereon or as to the annual interest cost to maturity of the money borrowed.

2. This act shall take effect immediately.

Approved May 22, 1973.

CHAPTER 145

AN ACT requiring the affixing of a tag or label to certain household appliances before the sale or offer for sale of such appliance, and providing penalties for the violation thereof.

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

C. 46:30A-2 Definitions.

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

“Demonstrator unit” means any household appliance, not sold or transferred to a consumer since it was manufactured, which has been previously placed by a seller into a consumer’s home for demonstration purposes.

“Rebuilt” means any household appliance that has had a substantial portion of its original, major parts replaced.

“Reconditioned” means any household appliance which has been substantially repaired but has not been rebuilt.

“Reposessed” means any household appliance purchased on credit that is offered for sale after it has been reclaimed by the seller or holder of the instrument evidencing the debt because of default.

“Used” means any household appliance, previously sold or transferred to and utilized by a consumer, that is not a rebuilt, reconditioned or reposessed appliance.

“Household appliance” means any gas or electric appliance used in the home, such as but not limited to the following: stoves, heating devices, cooking equipment, refrigerators, air conditioners, electric fans, clocks, radios, toasters, irons, television sets, vacuum cleaners, washing machines, driers and dishwashers.

“Casual sales” means an isolated sale of a household appliance by a person who is not regularly engaged in the business of making such sales and where such appliance was obtained by the person making the sale for his own use.

C. 46:30A-3 Sale or offer for sale of appliance without prescribed tag or label; penalty.

2. No person shall sell, attempt to sell or offer to sell, whether it be by retail, wholesale or by auction, any household appliance other than a new appliance unless there is affixed thereto a tag or label no smaller in size than 4 inches in length and 2 inches in width bearing a statement in lettering no smaller than 10-point type as to the fact that the appliance is a used, repossessed, rebuilt, or reconditioned appliance or has been utilized as a demonstrator unit, whichever the case may be. Excepted from this provision are casual sales as defined in this act.

Any person who violates any provision of this section is a disorderly person.

C. 46:30A-4 Misrepresentation of status of appliance by tag or label; penalty.

3. Any person who affixes a tag or label to a household appliance in accordance with section 2 of this act which misrepresents the status of the appliance as set forth in that section is a disorderly person.

C. 46:30A-5 Injunction.

4. Whenever it shall appear to the Attorney General or his designee that a person has engaged in, is engaging in or is about to engage in any practice in violation of this act he may seek and obtain in a summary action in the Superior Court an injunction prohibiting such person from continuing such practices or engaging therein or doing any acts in furtherance thereof; provided, however, that nothing in this act shall limit the powers of the Attorney General and the procedures with respect to consumer fraud provided in P. L. 1960, c. 39 (C. 56:8-1 et seq.).

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

Approved May 24, 1973.

CHAPTER 146

AN ACT providing for comparative negligence and the method for applying such comparative negligence by judges and juries.

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

C. 2A:15-5.1 Recovery of damages for negligence resulting in death or injury.

1. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence resulting in death or injury to person or property, if such negligence was not greater than the negligence of the person against whom recovery is sought, but any damages sustained shall be diminished by the percentage sustained of negligence attributable to the person recovering.

C. 2A:15-5.2 Required findings of fact.

2. In all negligence actions in which the question of liability is in dispute, the trier of fact shall make the following as findings of fact:

a. The amount of damages which would be recoverable by the injured party regardless of any consideration of negligence, that is, the full value of the injured party's damages;

b. The extent, in the form of a percentage, of each party's negligence. The percentage of negligence of each party shall be based on 100% and the total of all percentages of negligence of all the parties to a suit shall be 100%.

c. The judge shall mold the judgment from the finding of fact made by the trier of fact.

C. 2A:15-5.3 Recovery of full amount of verdict; contribution from other tortfeasors.

3. The party so recovering may recover the full amount of the molded verdict from any party against whom such recovering party is not barred from recovery. Any party who is so compelled to pay more than such party's percentage share may seek contribution from the other joint tortfeasors.

4. This act shall take effect 90 days after enactment and shall apply to causes of action arising on and after said date.

Approved May 24, 1973.

CHAPTER 147

AN ACT concerning child abuse, providing for protective custody of children under certain circumstances, and supplementing chapter 6 of Title 9 of the Revised Statutes.

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

C. 9:6-8.16 Authority to take certain children into protective custody.

1. Any physician examining or treating any child or the director or his designate of any hospital or similar institution to which any child has been brought for care or treatment, is empowered to take the said child into protective custody when the child has suffered serious physical injury or injuries, and the most probable inference from the medical and factual information supplied, is that the said injury or injuries were inflicted upon the child by another person by other than accidental means, and the person suspected of inflicting, or permitting to be inflicted, the said injury upon the child, is a person into whose custody the child would normally be returned.

C. 9:6-8.17 Report of action.

2. The physician or the director or his designate of a hospital or similar institution taking a child into such protective custody shall immediately report his action to the Bureau of Children's Services or its successor, the Division of Youth and Family Services, by calling its local emergency telephone service maintained pursuant to section 5 of P. L. 1971, c. 437 (C. 9:6-8.12).

C. 9:6-8.18 Action to insure safety of child; investigation; court order.

3. The Bureau of Children's Services or its successor, the Division of Youth and Family Services, shall upon receipt of such report, take action to insure the safety of the child under section 4 of P. L. 1971, c. 437 (C. 9:6-8.11). The said report shall be deemed an oral complaint under section 12 of P. L. 1951, c. 138 (C. 30:4C-12), and the Bureau of Children's Services or its successor, the Division of Youth and Family Services, shall investigate the circumstances under which the child was injured and may, after such investigation has been completed, apply for a court order placing the child under its care and supervision, pursuant to section 12 of P. L. 1951, c. 138 (C. 30:4C-12).

C. 9:6-8.19 Service of notice; visitation rights; period of custody.

4. a. The Bureau of Children's Services or its successor, the Division of Youth and Family Services, immediately after the receipt of such report, and after making a determination to take the child into protective custody, shall serve or attempt to serve, written notice upon the parents or guardian that the said child has been taken into protective custody. The notice shall contain a statement of the maximum duration of the protective custody and the location of the child during protective custody.

b. The parents or guardian of a child in protective custody may, upon request and in the reasonable discretion of the physician, director, or his designate, or appropriate official of the Bureau of Children's Services, or its successor, the Division of Youth and Family Services, visit the said child, provided that the life or health of the child will not be endangered by such visit.

c. The entire period of protective custody shall not exceed 3 court days. The protective custody may be terminated earlier at the discretion of the reporting physician, director or appropriate official of the Bureau of Children's Services or its successor, the Division of Youth and Family Services, or upon order of the court.

C. 9:6-8.20 Immunity from civil and criminal liability.

5. Any physician or director of a hospital or similar institution who takes a child into protective custody pursuant to this act shall have immunity from any civil and criminal liability that might otherwise be incurred or imposed. Any such person shall have the same immunity with respect to testimony given in any judicial proceeding resulting therefrom.

6. This act shall take effect immediately.

Approved May 24, 1973.

CHAPTER 148

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, 1973, and regulating the disbursement thereof, approved June 22, 1972 (P. L. 1972, c. 73).

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

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

DEPARTMENT OF STATE

301-100 STATE COUNCIL ON THE ARTS

Extraordinary:

\$250,000 to be employed to enter into a contract or contracts with the New Jersey Symphony Orchestra for the maintenance and support of musical services for the educational and recreational benefit and cultural enrichment of the citizens of New Jersey. Such sum shall be in addition to any other sums otherwise granted or approved by the Council for the New Jersey Symphony Orchestra.

2. This act shall take effect immediately.

Approved May 25, 1973.

CHAPTER 149

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of \$25,000,000.00 for facilities for the education of severely handicapped children; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

1. The Legislature hereby finds and determines as a fact (a) that there are a significant number of children of school age in this State who need special facilities because of the severity of their handicaps; (b) that because of the financial, transportation and other special problems involved in the education of such children the State should provide and operate such facilities as it has already done with regard to schooling for the deaf; and (c) that there is a need for capital expenditures for the purpose of (1)

expanding and renovating the Marie H. Katzenbach School for the Deaf; and (2) constructing up to 5 day-school facilities to be operated by the State for the education of severely handicapped children.

2. Bonds of the State of New Jersey in the sum of \$25,000,000.00 are hereby authorized for capital expenditure for the expansion and renovation of the Marie H. Katzenbach School for the Deaf and for the planning, acquisition, improvement and equipment of day-school facilities to be established and operated by the State Department of Education for children with severe handicaps. Such capital expenditure shall be made pursuant to appropriation thereof in the manner hereinafter provided.

3. Such bonds shall be serial bonds and known as "State Facilities for Handicapped Bonds;" and, as to each series, the last installment thereof subject to redemption prior to maturity shall mature and be paid not later than 30 years from the effective date of this act.

4. Said bonds shall be issued from time to time as money is required for the purpose aforesaid, as the issuing officials herein named shall determine.

5. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials hereinafter referred to as "the issuing officials," are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

6. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State is pledged for the payment of the interest thereon, as same shall become due, and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

7. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of

the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

8. a. Such bonds shall recite that they are issued for the purpose set forth in section 2 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1973, and that it received the sanction of the majority of the votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, as may be determined by the issuing officials.

c. Whenever such bonds shall have been issued as coupon bonds, whether so issued originally or at the request of a holder thereof subsequent to the original issue, such bonds, or any of them, may be reissued by the issuing officials at the request of a holder as registered bonds, and all registered bonds, whether so issued originally or at the request of the holder subsequent to the original issue, may be reissued by the issuing officials, at the request of a holder, as coupon bonds.

9. When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, not exceeding 5% per annum, as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

10. Said bonds shall be issued and sold at not less than par and accrued interest, under such terms, conditions and regulations as the issuing officials may prescribe, after notice of said sale, published at least three times (the first notice shall be at least 7 days prior to the day of bidding) in at least four newspapers published

in the State of New Jersey, and in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials are authorized to sell said bonds at private sale. The issuing officials may sell all or a part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

11. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

12. The proceeds from the sale of the bonds, exclusive of accrued interest and premiums, and all interest on deposits received from depositories, shall be held by the State Treasurer in a separate fund and deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Facilities for Handicapped Fund." All accrued interest and premiums from the sale of bonds except as provided in section 15 hereof, together with interest received from depositories of such funds, shall be held by the State Treasurer to the credit of said State Facilities for Handicapped Fund.

13. The moneys in the said State Facilities for Handicapped Fund are hereby specifically dedicated to providing for the expansion and renovation of the Marie H. Katzenbach School for the Deaf and for the planning, acquisition, construction, improvement and equipment of day-school facilities to be established and operated by the State Department of Education for children with severe handicaps. No moneys from the said State Facilities for Handicapped Fund shall be expended except in accordance with appropriations from said fund made by law.

At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of this State to the credit of the the State Facilities for Handicapped Fund such sum as may be deemed necessary for the purposes of this act by the State House Commission, which said sum so transferred shall be returned to the treasury of this State by the Treasurer thereof from the proceeds of the sale of the first issue of bonds. Pending their applica-

tion to the purposes provided in this act, moneys in the State Facilities for Handicapped Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law.

14. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such mutilation or destruction and also such security and indemnity as the issuing officials may require.

15. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from accrued interest and premiums from the proceeds of the sale of bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

16. Bonds of each series issued hereunder shall mature in installments commencing not later than the fifth year and ending not later than the fifteenth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power of election by resolution or resolutions of the issuing officials to call for redemption at par and accrued interest to date of redemption, and to redeem on any interest payment date beginning in a stated year, as a whole or in part in the inverse order of their numbers, bonds of that series prior to their maturity, upon notice by publication, at least once, at least 60 days prior to the date fixed for redemption, in a newspaper published in the city of Trenton, and in a publication carrying municipal bond notices and devoted primarily to financial news, published in New York city or New Jersey. On and after the date of redemption so fixed, interest on bonds so called for redemption shall cease to accrue.

17. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the tax imposed upon the transfer of property, real and personal, taxable under chapter 34 of Title 54 of the Revised Statutes, as amended and supplemented, or so much thereof as may be required.

b. If in any year or at any time funds, as hereinabove appropriated necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from inheritance taxes above referred to shall thereupon be considered as part of the General State Fund, available for general purposes.

18. Should the State Treasurer by December 31 of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the

amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

19. For the purpose of complying with the provisions of the State Constitution, this act shall, at the general election to be held in the month of November, 1973, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and shall notify the clerk of each county of this State of the passage of this act, and the said clerks respectively shall cause to be printed on each of the said ballots, the following:

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

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

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

	Yes.	<p style="text-align: center;">STATE FACILITIES FOR HANDICAPPED BOND ISSUE</p> <p>Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of \$25,000,000.00 for facilities for the education of severely handicapped children; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election," be approved?</p>
	No.	

The words "State Facilities for Handicapped Bond Issue" preceding the text of the public question shall be printed in 12-point bold-faced capital letters.

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

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is now provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act shall take effect forthwith.

20. This section and section 19 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved May 29, 1973.

CHAPTER 150

AN ACT appropriating certain funds from the State Recreation and Conservation Land Acquisition Fund to provide for State grants to assist local government units 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 hereby appropriated to the State Department of Environmental Protection from the State Recreation and Conservation Land Acquisition Fund created pursuant to the "New Jersey Green Acres Bond Act of 1971," (P. L. 1971, c. 165), the sum of \$15,000,000.00 to provide for State grants to assist local government units to acquire lands for recreation and conservation purposes.

2. This act shall take effect immediately.

Approved May 29, 1973.

CHAPTER 151

AN ACT appropriating certain funds from the State Recreation and Conservation Land Acquisition Fund 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. There is hereby appropriated to the State Department of Environmental Protection from the State Recreation and Conservation Land Acquisition Fund created pursuant to the "New Jersey Green Acres Bond Act of 1971" (P. L. 1971, c. 165), the sum of \$12,000,000.00 for the purpose of acquisition of lands by the State for recreation and conservation purposes.

2. This act shall take effect immediately.

Approved May 29, 1973.

CHAPTER 152

AN ACT concerning the Department of Transportation and adding a route to the State highway system.

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

State highway route.

1. The Commissioner of Transportation shall, in accordance with the procedure set forth in article 1, of chapter 7, of Title 27, of the Revised Statutes, add to the present State highway system the following described route: Plant street, in Upper Penn's Neck township, beginning at its intersection with U. S. Route 130 in the county of Salem thence in a generally easterly direction to a point east of its intersection with U. S. Route 40.

2. When this route is taken into the State highway system, as provided in section 1 of this act, the Commissioner of Transportation shall designate the said route by an appropriate route number as provided by law.

3. This act shall take effect immediately.

Approved May 30, 1973.

CHAPTER 153

AN ACT concerning mobile homes and the rights and obligations of mobile home park owners and operators and mobile home dwellers.

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

C. 46:3C-1 Grounds for eviction.

1. No mobile home park owner or operator may evict a mobile home dweller other than for the following reasons:

- a. nonpayment of rent;
- b. violation of a Federal or State law or local ordinance which may be deemed detrimental to the safety and welfare of other dwellers in the mobile home park;
- c. continued violation of any rule or regulation established by the park owner or operator, provided that the mobile home owner received written notice of said violation at least 30 days prior to the date he is required to vacate and has not ceased to violate said rule or violation. A copy of all rules and regulations shall be delivered by the park owner or operator to the mobile home owner prior to his signing the lease or entering into a rental agreement. A copy of the rules and regulations also shall be posted in the recreation hall, if any, or some other conspicuous place in the park;
- d. where the mobile home dweller holds over or continues in possession after the expiration of his term and after written demand has been made by the mobile home park owner or operator for possession thereof;
- e. termination of the use of the park for mobile home purposes provided that all mobile home dwellers receive written notice of said termination 90 days prior to the effective date thereof;
- f. additional grounds for eviction proceedings may be established in a written lease agreement between the park owner or operator and a mobile home dweller in addition to those established by law.

This section shall not preclude summary actions for recovery of premises. If the park operator or owner does not have one of the above grounds available, the park tenant may raise the same by affirmative defense.

C. 46:8C-2 Prohibited purchases, charges or bonuses; disclosure of charges; penalty.

2. a. No mobile home park owner or operator shall require a resident therein to purchase from said owner or operator under-skirting, equipment for tying down mobile homes, or any other equipment required by law, local ordinance or regulations of the mobile home park. However, the park operator may determine by rule or regulation the style or quality of such equipment to be purchased by the tenant from a vendor of the tenant's choosing.

b. No mobile home park owner or operator shall charge any resident who chooses to install an electric or gas appliance in his mobile home an additional fee unless that fee reflects the cost to the mobile home park of such installation or its use, or to restrict the installation, service or maintenance of any such appliance, or to restrict the making of any interior improvement in such mobile home, so long as such an installation or improvement is in compliance with applicable building codes and other provisions of law.

c. A mobile home park owner or operator shall be required to fully disclose in writing all fees, charges, assessments, rules and regulations prior to a mobile home dweller assuming occupancy in the park. No fees, charges or assessments so disclosed may be increased or rules and regulations changed by the park owner or operator without specifying the date of implementation of said fees, charges, assessments or rules and regulations, which date shall be no less than 30 days after written notice to all tenants.

d. Failure on the part of the mobile home park owner or operator to fully disclose all fees, charges or assessments shall prevent the park owner or operator from collecting said fees, charges or assessments, and refusal by the dweller to pay any undisclosed charges shall not be used by the owner or operator as a cause for eviction in any court of law.

e. Any mobile home park owner or operator who, directly or indirectly, receives, collects or accepts from another any donation, gratuity, bonus or gift, in addition to lawful charges, upon the representation, understanding or statement that compliance with the request or demand therefor will facilitate, influence or procure an advantage over others in entering into an agreement, either oral or written, for the lease or rental of real property for any term or for the use or occupation thereof, or any such owner or operator who refuses to enter into such agreement unless he receives, directly, or indirectly, any such donation, gratuity, bonus or gift, or any such owner or operator, who, directly or indirectly, aids, abets,

requests or authorizes any other person to violate any of the provisions of this section, is a disorderly person.

f. In any action by any person to recover any donation, gratuity, bonus or gift acquired by another in violation of the provisions of this act, the court, upon finding for such person, shall award recovery of double the value of such donation, gratuity, bonus or gift, together with costs of the action.

C. 46:8C-3 Sale of mobile home.

3. No mobile home park shall deny any resident of such mobile home park the right to sell said resident's mobile home within the park or require the resident to remove the mobile home from the park solely on the basis of the sale thereof. The park may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withheld and the park shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or operator has acted as agent for the mobile home owner in the sale pursuant to a written contract.

C. 46:8C-4 Lease or rental agreement.

4. A mobile home park owner or operator shall be required:

a. within 30 days of the effective date of this enactment to offer a written lease or written rental agreement for a period not less than 12 months, to mobile home dwellers within the park;

b. within 30 days of a mobile home dweller assuming occupancy in the park by virtue of the purchase of a mobile home from a mobile home park owner or operator to offer a written lease or written rental agreement for a period of not less than 12 months;

c. within 30 days of the first sale of a mobile home as provided in section 3 hereof, to offer to the purchaser who has been approved the remainder of the written lease or written rental agreement then in effect, but in no event for a period of less than 6 months.

C. 46:8C-5 Waiver of provisions.

5. Any provision of a lease or other agreement whereby any provision of this act is waived shall be deemed against public policy and shall be void.

C. 46:8C-6 Severability of act.

6. If any provision of this act or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect other provisions or applications of this

act which can be given effect; and, to this end, the provisions of this act are declared to be severable.

C. 46:8C-7 Construction of act.

7. This act being necessary for the welfare of the State and its inhabitants shall be liberally construed to effectuate the purposes thereof.

8. This act shall take effect immediately but remain inoperative for 30 days after enactment.

Approved May 31, 1973.

CHAPTER 154

AN ACT to authorize the borough of Moonachie in the county of Bergen to make permanent the appointment of Edward S. Wolf to the police department of the borough of Moonachie.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Moonachie, in the county of Bergen is authorized to make permanent the appointment of Edward S. Wolf to the police department of the borough of Moonachie notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Moonachie for the purpose of adopting same.

Approved May 31, 1973.

CHAPTER 155

AN ACT to amend and supplement "An act providing for the retirement of certain persons holding office, position or employment in State penal institutions and providing a pension for such persons and their dependents," passed June 24, 1941 (P. L. 1941, c. 220), as said Title was amended by P. L. 1943, c. 193.

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

1. Section 1 of P. L. 1941, c. 220 (C. 43:7-7) is amended to read as follows:

C. 43:7-7 Retirement for age and service; deferred pension.

1. a. Hereafter, any such prison officer, as hereinafter set forth, who shall have served in the employ of the State of New Jersey continuously, or in the aggregate, for a period of 20 years, and who shall have attained the age of 55 years, shall, upon his own application, be retired on one-half pay, or 2% of his average final compensation multiplied by the number of years of his creditable service up to 30 plus 1% of his average final compensation multiplied by the number of years of creditable service in excess of 30 years rendered prior to his reaching age 65, whichever is greater.

b. A prison officer who is an active member of the pension fund and who has established credit in the pension fund for 15 or more years of service, but shall not have attained the age of 55 years, may, on his own application, be retired and apply for a deferred pension. Upon attainment of 55 years of age, he shall be entitled to a pension in the amount of 2% of his average final compensation multiplied by the number of years of his creditable service up to 30 plus 1% of his average final compensation multiplied by the number of years of creditable service in excess of 30 years.

2. Section 3 of P. L. 1941, c. 220 (C. 43:7-9) is amended to read as follows:

C. 43:7-9 Pension payable to widow, widower, children or dependent parents; definitions.

3. a. Upon the receipt of proper proofs of the death of a member who shall have lost his life, there shall be paid to his widow or widower a pension of 25% of the member's average final compensa-

tion, for the use of herself or himself, to continue during her or his widowhood, plus 15% of such salary payable to one surviving child or plus 25% of such salary to two or more surviving children; if there is no surviving widow or widower or in case the widow or widower dies or remarries, 20% of the member's average final compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares; if there is no surviving widow, widower or child, 25% of the member's average final compensation will be payable to one surviving parent or 40% of such compensation will be payable to two surviving parents in equal shares.

b. Upon the receipt of proper proofs of the death after retirement of a former member of the pension fund, there shall be paid to his widow or widower a pension of 25% of the member's average final compensation for the use of herself or himself, to continue during her or his widowhood, plus 15% of such compensation payable to one surviving child or plus 25% of such compensation to two or more surviving children; if there is no surviving widow or widower or in case the widow or widower dies or remarries, 20% of the member's average final compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares.

c. The changes in benefits provided by subsections a. and b. of this section shall apply only to pensions hereafter granted; provided, however, that pensions granted prior to the effective date of this amendatory and supplementary act shall be increased to the schedule of payments stipulated by subsection a. on the first of the month following the commission's approval of those cases where proper evidence is submitted to the satisfaction of the pension commission that the death of the member in active service was the result of an accident met in the actual performance of duty at some definite time and place, that such death was not the result of the member's willful negligence, and that the death occurred within 5 years of the accident; provided, further, that any pension in an amount less than \$1,600.00 per annum, presently paid or to be paid in the future to a widow or widower of a prison officer, shall be increased to \$1,600.00 per annum.

d. For purposes of this section:

(1) "Child" shall mean a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the examining physicians of the fund.

(2) "Widower" shall mean the man to whom a member was married before the date of her retirement or at least 5 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member.

(3) "Widow" shall mean the woman to whom a member was married before the date of his retirement or at least 5 years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried.

(4) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

C. 43:7-7.1 Special retirement.

3. Should a prison officer member resign after having established 25 years of creditable service, he may elect "special retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive a pension in the amount of 2% of his average final compensation, multiplied by the number of years of his creditable service up to 30 plus 1% of his average final compensation multiplied by the number of years of creditable service in excess of 30 years.

C. 43:7-18.1 Operation of pension fund.

4. The pension commission shall have the general responsibility for the proper operation of the pension fund, subject to the provisions of P. L. 1955, c. 70 (C. 52:18A-95 et seq.).

The commission may make all necessary rules and regulations. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

C. 43:7-19.1 Medical board.

5. The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the commission for valid reason. It shall be composed of three physicians who are not eligible to participate in the pension fund. The medical board shall pass upon all medical examinations required under the provisions of the act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the pension fund its conclusions and recommendations upon all matters referred to it.

C. 43:7-11.1 Amount and payment of pension.

6. A pension granted under the provisions of the act to which this act is amendatory and supplementary, shall be effective only on the first day of a month, shall be paid in equal monthly installments, and shall not be decreased, increased, revoked or repealed, except as otherwise provided by the statutory law. No pension shall be due to a member or beneficiary unless it constitutes a payment for an entire month.

7. This act shall take effect immediately.

Approved June 1, 1973.

CHAPTER 156

AN ACT concerning the Police and Firemen's Retirement System, providing for membership therein by certain law enforcement officers and revising parts of the statutory law.

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

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

C. 43:16A-1 Definitions.

1. As used in this act:

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

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator or inspector of combustibles of any police or fire department. It shall also mean any permanent, active, and full-time officer employee of the State of New Jersey with police powers and holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, inspectors, and investigators, in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer, in the Division of Fish, Game, and Shell Fisheries, rangers, and chief ranger in the Bureau of Parks, marine patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, and deputy keepers in the Division of Correction and Parole, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Institutions and Agencies, county detective, lieutenant of county detectives, captain of county detectives, chief of county detectives, and county investigator in the office of the county prosecutors, sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the office of the county sheriffs, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, supervising juvenile officer, patrolman capitol police, patrolman institutions, sergeant patrolman institutions, and supervising patrolman institutions, and patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

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

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the 3 years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any 3 fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

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

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

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

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

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

(21) "Child" shall mean a deceased member's or retirant's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(23) "Widower" shall mean the man to whom a member or retirant was married at least 5 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least 5 years before the date of his death

and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

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

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

(27) "Department" shall mean any police or fire department of a municipality or a fire department of a fire district located in a township or a county police or park police department or the appropriate department of the State or instrumentality thereof.

2. Section 13 of P. L. 1944, c. 255 (C. 43:16A-13) is amended to read as follows:

C. 43:16A-13 Board of trustees; membership, appointment or election, oath, vacancies, compensation, duties; medical board.

13. (1) Subject to the provisions of P. L. 1955, c. 70 (C. 52:18A-95 et seq.), the general responsibility for the proper operation of the retirement system is hereby vested in a board of trustees.

(2) The board shall consist of nine trustees as follows:

(a) Four members to be appointed by the Governor, who shall serve at the pleasure of the Governor and until their successors are appointed and who shall be private citizens of the State of New Jersey who are neither an officer thereof nor an active or retired member of any police or fire department thereof.

(b) The State Treasurer or the deputy State Treasurer, when designated for that purpose by the State Treasurer.

(c) Two policemen and two firemen who shall be members of the system and who shall be elected by the members of the system for a term of 4 years according to such rules and regulations as the board of trustees shall adopt to govern such election.

(3) Each trustee shall, after his appointment or election, take an oath of office that, so far as it devolves upon him he will diligently and honestly fulfill his duties as a board member, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed by the member making it, and certified by

the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(4) If a vacancy occurs in the office of a trustee, the vacancy shall be filled in the same manner as the office was previously filled.

(5) The trustees shall serve without compensation, but they shall be reimbursed for all necessary expenses that they may incur through service on the board.

(6) Each trustee shall be entitled to one vote in the board. Five trustees must be present at any meeting of said board for the transaction of its business.

(7) Subject to the limitations of this act, the board of trustees shall annually establish rules and regulations for the administration of the funds created by this act and for the transaction of its business. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

(8) The board of trustees shall elect from its membership a chairman. The Chief of the Bureau of Police and Fire Funds of the Division of Pensions of the State Department of the Treasury shall be the secretary of the board. The administration of the program shall be performed by the personnel of the Division of Pensions.

(9) The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. The retirement system shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(10) The Attorney General of the State of New Jersey shall be the legal advisor of the board of trustees.

(11) The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the board of trustees for valid reason. It shall be composed of three physicians who are not eligible to participate in the retirement system. The medical board shall pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retire-

ment, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

(12) The actuary of the system shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions, subject to veto by the board for valid reason. He shall be the technical advisor of the board of trustees on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

(13) At least once in each 3-year period the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and, with the advice of the actuary, the board of trustees shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this act.

(14) (Deleted by amendment.)

(15) On the basis of such tables recommended by the actuary as the board of trustees shall adopt and regular interest, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this act.

(16) The various funds created by this act shall be subject to the supervision of the Department of Insurance of the State of New Jersey.

(17) Each policeman or fireman member of the board of trustees shall be entitled to time off from his duty, with pay, during the periods of his attendance upon regular or special meetings of the board of trustees, and such time off shall include reasonable travel time required in connection therewith.

C. 43:16A-62 Eligibility for membership in retirement system.

3. Eligibility for membership in the Police and Firemen's Retirement System of New Jersey shall be extended to all active, permanent and full-time officer employees of the State of New Jersey with police powers and holding one of the titles cited in section 1 of P. L. 1944, c. 255 (C. 43:16A-1) who are otherwise eligible in accordance with the provisions of this act.

C. 43:16A-63 Transfer or continuance of membership in PERS; required enrollment of new officers.

4. a. An eligible officer who is a member of the Public Employees' Retirement System shall be permitted to transfer his membership in said fund to the Police and Firemen's Retirement

System of New Jersey by waiving all rights and benefits which would otherwise be provided by the Public Employees' Retirement System. Any such officer will likewise be permitted to continue his membership in the Public Employees' Retirement System by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System. Such waivers shall be accomplished by filing forms satisfactory to the New Jersey Division of Pensions, which is responsible for the administration of the Police and Firemen's Retirement System, within 90 days of the effective date of this act. In the absence of the filing of a timely waiver by any eligible officer his pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System.

b. Each new officer who begins employment following the effective date of this act, shall be required to enroll in the Police and Firemen's Retirement System of New Jersey as a condition of employment, provided he is otherwise eligible for membership by meeting the appointment, age, and health prescriptions required of all members. As of the effective date of this act, the eligibility of membership for such new officers in the Public Employees' Retirement System shall be terminated and the membership requirements of such other fund will be deemed satisfied by the enrollment of such employees in the Police and Firemen's Retirement System.

C. 43:16A-64 Remittance of accumulated deductions of transferred employees.

5. Within 120 days following the effective date of this act the Public Employees' Retirement System shall remit to the Police and Firemen's Retirement System of New Jersey all accumulated deductions standing to the credit of each transferred employee as members of such fund, and within 180 days following the effective date of this act remit the pro rata part of the reserve fund constituting the employer's obligations under the former system applicable to such employee's account, and the Police and Firemen's Retirement System shall then enter the respective sums so remitted to it to the credit of such employee in the Annuity Savings Fund and to the credit of the employer in the Pension Accumulation Fund of the Police and Firemen's Retirement System of New Jersey.

C. 43:16A-65 Obligations, rights and benefits of transferred employees.

6. The transferred employees thereby affected shall be members of the Police and Firemen's Retirement System and deductions from their salaries and contributions on their behalf shall there-

after be made as required by the act creating such system for members thereof. Such transferred employees shall have the same contribution obligation and enjoy the same rights and benefits of all other members of the system except as provided by this act. Any credit for public service which had been established in the Public Employees' Retirement System by the transferred employee shall be established in the Police and Firemen's Retirement System.

Upon the transfer of membership to the Police and Firemen's Retirement System under the provisions of this act, the rate of contribution of such member shall be determined by the rates payable by other members, except that the number of years of credited service in the former pension fund shall be deducted from the member's current age in order to fix the age upon which the rate of contribution is based.

All outstanding obligations such as loans, purchases, and other arrearages shall be met by the transferred employees as previously scheduled for payment to the Public Employees' Retirement System.

C. 43:16A-66 Evidence of insurability for group life insurance benefits.

7. a. Any person becoming a member of the Police and Firemen's Retirement System pursuant to the provisions of this act shall not be allowed any of the group life insurance benefits if on the date he files an application for enrollment he is 55 or more years of age, unless he furnishes satisfactory evidence of insurability and on the effective date of membership is actively at work and performing all his regular duties at his customary place of employment. The effective date of coverage for such benefits shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

b. Such evidence of insurability will not be required of any person becoming a member upon transfer from the Public Employees' Retirement System, if the transferring employee was covered by such benefits in the latter system at the time of the transfer. If such transferring employee was not covered by such benefits at the time of the transfer, he may be allowed the benefits under the group life insurance policy or policies subject to the provisions of subsection a. of this section; provided, however, that any such employee must furnish satisfactory evidence of insurability under the provisions of subsection a. of this section, if he had been unable or failed to give such evidence as a member of the Public Employees' Retirement System.

C. 43:16A-67 Calculation of employer's liability.

8. The actuary of the Police and Firemen's Retirement System shall calculate the liability of the employer of employees becoming members of the system under this act in the same manner as is specified in the case of other employers where the Police and Firemen's Retirement System is adopted, taking into account the value of moneys remitted by the pension fund. In the event that the value of such money so remitted is less than the total which is required by the Police and Firemen's Retirement System to provide the transferred member with credit for his public service, the liability of the employer shall include an amount equal to the difference between these two values. Upon certification by the actuary of the Police and Firemen's Retirement System the employer shall make such contributions as are required in order to meet the financial obligations in the same manner and within the same period of time as is specified in the case of other employers where the Police and Firemen's Retirement System of New Jersey is adopted.

C. 43:16A-68 Employer to transmit required information.

9. The chief fiscal officer of the employer shall transmit to the retirement system such information as the system shall require in order for the New Jersey Division of Pensions to comply with the provisions of this act.

10. This act shall take effect immediately.

Approved June 1, 1973.

CHAPTER 157

AN ACT concerning county and municipal police departments, and amending N. J. S. 40A:14-112 and N. J. S. 40A:14-135.

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

1. N. J. S. 40A:14-112 is amended to read as follows:

Appearance as witness; no loss in compensation.

40A:14-112. The board of chosen freeholders of a county, or the county park commissioners may, by resolution, provide that whenever any member of the county police department, county boulevard police system or county park police system shall be required to

appear before any grand jury or at any municipal, County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours he shall receive either compensatory time off from his regular duty hours or additional compensation.

2. N. J. S. 40A:14-135 is amended to read as follows:

Appearance as witness; no loss in compensation.

40A:14-135. The governing body of any municipality may, by ordinance, provide that whenever any member of the police department or force shall be required to appear before any grand jury or at any municipal, County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours, he shall receive either compensatory time off from his regular duty hours or additional compensation.

3. This act shall take effect immediately.

Approved June 1, 1973.

CHAPTER 158

AN ACT concerning public utilities amending sections 48:2-13, 48:4-3, 48:4-6, 48:4-7, 48:4-8, 48:4-9, 48:4-11 and 48:4-35 of the Revised Statutes, repealing section 48:4-10 of the Revised Statutes and section 89 of P. L. 1962, c. 198 and supplementing Title 48 of the Revised Statutes.

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

1. R. S. 48:2-13 is amended to read as follows:

General jurisdiction; "public utility" defined.

48:2-13. The board shall have general supervision and regulation of and jurisdiction and control over all public utilities as herein-

after in this section defined and their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Title.

The term "public utility" shall include every individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever, their successors, heirs or assigns, that now or hereafter may own, operate, manage or control within this State any railroad, street railway, traction railway, autobus, charter bus operation, special bus operation, canal, express, subway, pipeline, gas, electric light, heat, power, water, oil, sewer, solid waste collection, solid waste disposal, telephone or telegraph system, plant or equipment for public use, under privileges granted or hereafter to be granted by this State or by any political subdivision thereof.

Nothing contained in this Title shall extend the powers of the board to include any supervision and regulation of, or jurisdiction and control over any vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini; hotel busses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations, including local airports, or bus employed solely for transporting school children and teachers, to and from school, or any autobus with a carrying capacity of not more than 10 passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.

2. R. S. 48:4-3 is amended to read as follows:

Certificate of public convenience and necessity.

48:4-3. No autobus, charter bus operation or special bus operation which is engaged wholly or partly in intrastate commerce shall be operated or run while carrying passengers for hire within the State of New Jersey unless there is in force with respect to such operation a certificate of public convenience and necessity issued by the Board of Public Utility Commissioners authorizing such

operation upon a determination that such operation is in the public interest except that

(a) any municipal consent granted by any municipality and approved by the Board of Public Utility Commissioners prior to the effective date of this act and which is in full force and effect on the effective date of this act shall be deemed a certificate of public convenience and necessity for the purposes of this chapter;

(b) any charter bus operation or special bus operation which was in bona fide operation on the date this act was enacted may continue to operate for 6 months thereafter without a certificate. Such operation may continue to operate without a certificate beyond the 6-month period only if an application for a certificate of public convenience and necessity authorizing that operation has been filed within the 6-month period and is pending determination by the board.

The board shall issue a certificate authorizing Statewide operation to any charter or special bus operation that was in bona fide operation on the date this act was enacted provided that the operation is otherwise in compliance with the laws of this State and the rules and regulations of the Board of Public Utility Commissioners.

3. R. S. 48:4-6 is amended to read as follows:

Transfer of certificate; liability for outstanding debts due board.

48:4-6. Any such certificate of public convenience and necessity for the operation of an autobus, charter bus operation or special bus operation heretofore granted and now in effect or hereafter granted and in effect may be transferred by the holder thereof upon obtaining the approval of the Board of Public Utility Commissioners upon application to it by either the transferor or the transferee.

The transferor and the transferee shall be jointly and severally liable for any outstanding debt due the board at the time of the transfer.

4. R. S. 48:4-7 is amended to read as follows:

Revocation of certificate.

48:4-7. Any such certificate of public convenience and necessity for the operation of an autobus, charter bus operation or special bus operation heretofore granted and now in effect or hereafter granted and in effect, shall continue in effect until revoked, as herein provided unless otherwise provided in the certificate. Any such certificate of public convenience and necessity, heretofore or here-

after granted, may be revoked by the Board of Public Utility Commissioners after notice and hearing whenever it shall appear that the holder thereof has failed to comply with any law of this State or any lawful regulation imposed by the Board of Public Utility Commissioners.

The Board of Public Utility Commissioners, after notice and hearing may revoke any certificate of public convenience and necessity provided it finds that, (a) the operation of autobus service under certificates of public convenience and necessity held by more than one autobus operator for service in a specific area will adversely affect the financial stability of operators rendering service in such area because of insufficient revenues, (b) the adverse effect upon the operators will result in improper or inadequate service to the public and (c) there will be sufficient autobus service to meet the requirements of public convenience and necessity even though one or more certificates of public convenience and necessity are revoked by the board.

The authority contained in this section is in addition to any authority to revoke certificates of public convenience and necessity which the board of Public Utility Commissioners may otherwise have.

5. R. S. 48:4-8 is amended to read as follows:

Substitution of buses.

48:4-8. The holder of any such certificate of public convenience and necessity for the operation of an autobus heretofore granted and now in effect or hereafter granted and in effect may replace any autobus operated under such certificate of public convenience and necessity with another autobus and may substitute one autobus for another and may operate such other or substituted autobus under such certificate of public convenience and necessity provided such other or substituted autobus shall conform with lawful regulations and specifications.

6. R. S. 48:4-9 is amended to read as follows:

Special or occasional trips.

48:4-9. The holder of a certificate of public convenience and necessity for the operation of an autobus may use such autobus for special or occasional trips off its regular route whenever the autobus is not required for the operation of the schedule on its regular route.

No special or occasional trip shall be operated in competition with any autobus route or a street railway line. The provisions of this paragraph shall apply to operators of special or occasional trips whether or not they hold certificates of public convenience and necessity.

7. R. S. 48:4-11 is amended to read as follows :

Penalty and enforcement.

48:4-11. Any person who shall operate an autobus, charter bus operation or special bus operation within the State of New Jersey without complying with the provisions of this article shall be adjudged a disorderly person.

The Board of Public Utility Commissioners shall proceed at law or in equity to prevent any person from operating an autobus in violation of the provisions of this article or otherwise violating any provisions thereof.

Proceedings to prevent a person from operating an autobus without a valid certificate of public convenience and necessity may be instituted by any public utility, the business or revenues of which are adversely affected thereby.

8. R. S. 48:4-35 is amended to read as follows :

Definitions.

48:4-35. a. "Motor vehicle" as used in this article includes all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks exclusively) carrying passengers for hire now or hereafter operated by virtue of a certificate of public convenience and necessity including vehicles used in connection with charter or special bus operations to which this act applies within the State of New Jersey.

b. "Self-insurer" means any person who, by virtue of any law of this State is exempted by some official, board or body of this State from the requirements imposed upon other owners of similar motor vehicles to carry insurance in an insurance company.

c. "Financial responsibility" means ability to satisfy claims to the extent set forth in section 48:4-36 of this Title.

d. "For hire" means compensation in any form, whether directly or indirectly made.

e. "Financial coverage" means insurance and also self-insurer.

f. "Magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of county and criminal courts, police judges, recorders, mayors and other officers having

powers of the committing magistrate; but shall not include a justice of the peace sitting within the corporate limits of any municipality having a police judge, police justice, recorder's court or city criminal court.

C. 48:4-1.2 Jurisdiction of board.

9. The board shall have full jurisdiction over charter buses and special buses, to the same extent that it has jurisdiction over autobuses.

C. 48:4-3.1 Imposition of certain conditions.

10. Nothing in this act shall preclude the board from limiting certificates of public convenience and necessity by imposing conditions as to the area of operation, route of operation, expiration of the certificate, equipment, maintenance, service or such other condition as public convenience and necessity may reasonably require or permit.

Repealer.

11. R. S. 48:4-10 is hereby repealed.

Repealer.

12. Section 89 of P. L. 1962, c. 198 is hereby repealed.

13. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 159

AN ACT concerning certain county courts and supplementing chapter 3 of Title 2A of the New Jersey Statutes.

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

C. 2A:3-13.13 Additional county court judges in certain counties.

1. In counties having a population of more than 250,000 but less than 320,000 according to the 1970 census, there shall be five judges of the county court in addition to the judge of the county court provided by Article VI, Section IV, paragraph 2 of the Constitution, making six in all in each of said counties, to be nominated and appointed by the Governor with the advice and consent of the Senate.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 160

AN ACT relating to certain private nonprofit water companies, and supplementing chapter 19 of Title 48 of the Revised Statutes.

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

C. 48:19-26 Authority to grant certain exceptions.

1. The Board of Public Utility Commissioners is hereby authorized and empowered to grant exceptions from the literal requirements of those provisions of chapters 2, 3 and 19 of Title 48 of the Revised Statutes, or from any rules, regulations or procedures promulgated pursuant thereto, pertaining to the imposition or exaction of special, discriminatory or preferential rates or regulations or for the installation of metering devices, for determining any charges to be imposed by nonprofit water companies which are owned wholly by nonprofit senior citizen cooperative associations, and which provide service only to the members of such association. Such exceptions shall only be granted upon a finding by the board that the literal application of said aforementioned provisions in such cases is unnecessary for the protection of the public interest.

C. 48:19-27 Application for exception.

2. An application for an exception authorized pursuant to the provisions of section 1 of this act shall be filed in writing with, and upon forms supplied by, the board, and shall contain such information as the board shall require.

C. 48:19-28 Record of exceptions.

3. The board shall maintain a record of all exceptions granted, and shall make such record reasonably available for public examination.

4. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 161

AN ACT concerning the control and licensing of dogs, and amending sections 15 and 16 of P. L. 1941, chapter 151.

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

1. Section 15 of P. L. 1941, c. 151 (C. 4:19-15.15) is amended to read as follows:

C. 4:19-15.15 Canvass of dogs in municipality; report.

15. Any person appointed for the purpose by the governing body of the municipality, shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of their respective municipalities and shall report, on or before May 1 of each year, to the clerk or other person designated to license dogs in the municipality and to the local board of health, and to the State Department of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs.

2. Section 16 of P. L. 1941, c. 151 (C. 4:19-15.16) is amended to read as follows:

C. 4:19-15.16 Impounding or taking dogs into custody; grounds; notice; destruction.

16. Any person appointed for the purpose by the governing body of the municipality, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or his agent, or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring

said dog is known, any person authorized by the governing body, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within 7 days after the service of the notice.

A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual, or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

When any dog so seized has been detained for 7 days after notice, when notice can be given as above set forth, or has been detained for 7 days after seizure, when no notice has been given as above set forth and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$1.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, any person authorized by the governing body, may cause the dog to be destroyed in manner causing as little pain as possible.

3. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 162

AN ACT concerning executions and amending N. J. S. 2A:17-19.

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

1. N. J. S. 2A:17-19 is amended to read as follows:

Amount; exceptions.

2A:17-19. Goods and chattels, shares of stock or interests in any corporation and personal property of every kind, not exceeding in value, exclusive of wearing apparel, \$1,000.00, and all wearing apparel, the property of a debtor shall be reserved, both before

and after his death, for his use or that of his family or his estate, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this State.

Nothing herein contained shall be deemed or held to protect from sale under execution or other process any goods, chattels or property, for the purchase whereof the debt or demand for which the judgment on which such execution or process was issued, shall have been contracted, or to apply to process issued for the collection of taxes or assessments.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 163

AN ACT concerning tenure for certain State and county college faculty members and supplementing chapter 60 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:60-6 Short title.

1. This act shall be known and may be cited as "The State and County College Tenure Act."

C. 18A:60-7 Definitions.

2. As used in this act, the following words and phrases shall have the following meaning:

a. "Academic rank" means instructor, assistant professor, associate professor and professor.

b. "Faculty member" means any full-time member of the teaching staff appointed with academic rank. Pursuant to rules promulgated by the State Board of Higher Education, other full-time professional persons shall be considered faculty members if they concurrently hold academic rank.

C. 18A:60-8 Tenure of faculty members.

3. Faculty members shall be under tenure in their academic rank, but not in any administrative position, during good behavior,

efficiency and satisfactory professional performance, as evidenced by formal evaluation and shall not be dismissed or reduced in compensation except for inefficiency, unsatisfactory professional performance, incapacity or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes, after employment in such college or by such board of trustees for

- a. 5 consecutive calendar years; or
- b. 5 consecutive academic years, together with employment at the beginning of the next academic year; or
- c. the equivalent of more than 5 academic years within a period of any 6 consecutive academic years.

C. 18A:60-9 Grant of tenure under certain conditions.

4. Notwithstanding the provisions of section 3 of this act a board of trustees may, as an exceptional action and upon the recorded two-thirds majority roll call vote of all its members and upon the recommendation of the president, grant tenure to an individual faculty member after employment in such college or by such board of trustees for 2 consecutive academic years. The provisions of this section shall not be negotiable as a term and condition of employment under the "New Jersey Employer-Employee Relations Act," P. L. 1968, c. 303.

C. 18A:60-10 Establishment of procedure for career development.

5. Under guidelines established by the State Board of Higher Education it shall be the responsibility of the board of trustees and the president of each State and county college, in conjunction with their faculty to establish a formal procedure for the career development of all members of the professional staff including, but not limited to, a systematic and regular evaluation for the purpose of identifying any deficiencies, extending assistance for their correction and improving instruction.

C. 18A:60-11 Provisions not applicable to certain faculty members.

6. The provisions of section 3 of this act shall not apply to any faculty member who shall have acquired tenure prior to the second day of the 1973-74 school year.

C. 18A:60-12 Options available to certain nontenured faculty members.

7. Any nontenured faculty member presently employed by a State or county college or who begins employment in the 1973-74 school year may elect to be included under the provisions of N. J. S. 18A:60-1 or the provisions of section 3 of this act. On or before

November 1, 1973, or within 60 days of employment each nontenured faculty member at a State or county college shall notify the college president in writing of his intention to be governed under the provisions of N. J. S. 18A:60-1 or the provisions of section 3 of this act. Any faculty member not filing a written notice in the prescribed manner shall be governed under the provisions of section 3 of this act.

C. 18A:60-13 Provisions applicable to certain faculty members.

8. The provisions of section 3 of this act shall apply to all faculty members beginning their employment after the 1973-74 school year.

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

9. Members of the professional staff not holding faculty rank may be appointed by a board of trustees for 1-year terms; provided, however, that after employment in a college for 5 consecutive academic years, such employees may be offered contracts of no more than 5 years in length. During the period of such contracts, such employees shall be subject to dismissal only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes, and must be notified by the president not later than 1 year prior to the expiration of such contracts of the renewal or nonrenewal of the contract.

C. 18A:60-15 Application of act.

10. This act shall apply to full-time faculty members employed in any State or county college notwithstanding the provisions of N. J. S. 18A:60-1, 18A:64-21 and 18A:64A-13.

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

Approved June 7, 1973.

CHAPTER 164

AN ACT concerning motor vehicles and amending R. S. 39:3-33.

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

1. R. S. 39:3-33 is amended to read as follows:

Markers; requirements; display of fictitious or wrong numbers; penalties.

39:3-33. The owner of an automobile which is driven on the public highways of this State shall display not less than 12 inches

nor more than 48 inches from the ground in a horizontal position, and in such a way as not to swing, an identification mark or marks to be furnished by the division; provided, that if two marks are issued they shall be displayed on the front and rear of the vehicle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the vehicle; and provided, further, that the rear identification mark may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids. Motorcycles shall also display an identification mark or marks; provided, that if two marks are issued they shall be displayed on the front and rear of the motorcycle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the motorcycle.

The identification mark or marks shall contain the number of the registration certificate of the vehicle and shall be of such design and material as the director prescribes. All identification marks shall be kept clear and distinct and free from grease, dust or other blurring matter, so as to be plainly visible at all times of the day and night.

The director is authorized and empowered to issue registration plate inserts, to be inserted in and attached to the registration plates or markers described herein. They may be issued in the place of new registration plates or markers; and inscribed thereon, in numerals, shall be the year in which registration of the vehicle has been granted.

No person shall drive a motor vehicle, the owner of which has not complied with the provisions of this subtitle concerning the proper registration and identification thereof, nor drive a motor vehicle which displays a fictitious number, or a number other than that designated for the motor vehicle in its registration certificate.

A person convicted of displaying a fictitious number, as prohibited herein, shall be subject to a fine not exceeding \$500.00 or imprisonment in the county jail for not more than 60 days.

A person violating any other provision of this section shall be subject to a fine not exceeding \$100.00. In default of the payment thereof, there shall be imposed an imprisonment in the county jail for a period not exceeding 10 days. A person convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense and may, in default of the payment thereof, be punished by imprisonment in the county jail

for a period not exceeding 20 days. These penalties shall not apply to the display of a fictitious number.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 165

AN ACT to amend "An act authorizing municipalities to acquire and retire alcoholic beverage retail consumption licenses in certain cases and to borrow money and increase annual license fees for retail consumption licenses to assist in financing acquisition of such licenses," approved September 4, 1968 (P. L. 1968, c. 277).

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

1. Section 3 of P. L. 1968, c. 227 (C. 40:48-2.42) is amended to read as follows:

C. 40:48-2.42 Increase in annual license fees; disposition of proceeds.

3. Any ordinance authorizing the acquisition of licenses pursuant to this act may provide for an increase in the annual license fees for all retail consumption licenses in the municipality in an amount of not more than \$200.00 over and above the maximum fees fixed in accordance with R. S. 33:1-12, which increase may be continued in force for each license year until the total revenue derived from such additional license fees in all years shall equal the total amount expended by the municipality to acquire and retire licenses pursuant to contracts authorized by ordinance adopted under this act. If in the final year in which the additional license fee authorized by this section is in effect, the total additional revenue derived in all years from such increase shall exceed the amount expended for acquisition of licenses and retirement of indebtedness incurred pursuant to section 4 of this act, such excess shall be rebated pro rata to the then current licensees who paid such additional license fees or credited against the license renewal fee next payable by such licensees.

2. Section 5 of P. L. 1968, c. 277 (C. 40:48-2.44) is amended to read as follows:

C. 40:48-2.44 Time limitation on contract for acquisition of license.

5. No contract for acquisition of a license, authorized by an ordinance adopted pursuant to this act, may be entered into after January 1, 1977.

3. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 166

AN ACT concerning the practice of medicine and surgery and amending sections 45:9-2, 45:9-12, 45:9-13 and 45:9-21 of the Revised Statutes.

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

1. R. S. 45:9-2 is amended to read as follows:

Officers; seal; subpoenas; issuance; refusal to obey; regulations and bylaws; fees.

45:9-2. The board shall elect a president, a secretary and a treasurer from its membership and shall have a common seal, of which all courts of this State shall take judicial notice. Its president, or secretary, may issue subpoenas to compel attendance of witnesses to testify before the board and administer oaths in taking testimony in any matter pertaining to its duties, which subpoenas shall issue under the seal of the board and shall be served in the same manner as subpoenas issued out of a County Court of this State. Every person who refuses or neglects to obey the command of such subpoena, or who, after appearing, refuses to be sworn and testify shall, in either event, be liable to a penalty of \$50.00 to be sued for in the name of the board in any court of competent jurisdiction, which penalty when collected shall be paid to the treasurer of said board. It shall make and adopt all necessary rules, regulations and bylaws not inconsistent with the laws of the State or of the United States, whereby to perform the duties and to transact the business required under the provisions of this article (section 45:9-1 et seq.).

The board shall charge for licenses and other services performed by it the fees provided in chapter 9 of Title 45 of the Revised Statutes, or where not so provided, such fees as it shall prescribe by rule or regulation. The board shall make such disposition of all fees and moneys collected by it and such reports in connection therewith as directed by the Director of the Division of Budget and Accounting.

2. R. S. 45:9-12 is amended to read as follows:

Examination fees; reexaminations; marking of papers for identification; license fee.

45:9-12. The fee for all examinations provided for by this chapter (45:9-1 et seq.) and any supplement thereto shall accompany every application and shall be as follows: for the first or initial examination \$100.00 and for every reexamination \$50.00 for each section for which a reexamination is given. Upon the approval of the application for examination, such applicant shall thereupon be entitled to admission to such examination. If said applicant fails to pass the examination, he may be reexamined at the next regular examination. Each applicant shall sign his name opposite a number in a book kept for that purpose by the secretary of the board and shall mark his examination paper with said number, and shall be known to the members of the board only by such number until his papers have been examined and marked. Upon successful completion of the examination the board, upon payment by the applicant to the treasurer of the board of a license fee of \$150.00, shall certify and license said applicant to practice medicine and surgery in this State. Such license fee prescribed hereinabove shall be deemed to be full payment of any certification, license and initial registration fee.

3. R. S. 45:9-13 is amended to read as follows:

License to persons examined and licensed in other states or by certain national boards; fee.

45:9-13. Any applicant for a license to practice medicine and surgery, upon proving that he has been examined and licensed by the examining and licensing board of another State of the United States or by the National Board of Medical Examiners or by certificates of the National Board of Examiners for Osteopathic Physicians and Surgeons, may, in the discretion of the board of medical examiners of this State, be granted a license to practice medicine and surgery without further examination upon payment to the treasurer of the board of a license fee of \$150.00; provided, such applicant shall furnish proof that he can fulfill the require-

ments demanded in the other sections of this article relating to applicants for admission by examination. In any such application for a license without examination, all questions of academic requirements of other States shall be determined by the Commissioner of Education of this State.

4. R. S. 45:9-21 is amended to read as follows:

Certain persons and practices excepted from operation of chapter.

45:9-21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any State or of the United States;

b. A lawfully qualified physician or surgeon of another State taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination or indorsement from another State. Such permission may be granted for a period of not less than 2 weeks nor more than 4 months upon payment of a fee of \$50.00. The board in its discretion may extend such permission for further periods of 2 weeks to 4 months but not to exceed in the aggregate 1 year;

c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of 5 years;

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministrations to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of podiatry by any legally licensed podiatrist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A podiatrist, professional nurse, or a registered physical therapist, masseur, while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician, or surgeon or under the direction thereof; or

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director.

n. Any employee of a State or county institution holding the degree of M.D. or D.O., regularly employed on a salary basis on its medical staff or as a member of the teaching or scientific staff of a State agency, may apply to the State Board of Medical Examiners of New Jersey and may, in the discretion of said board, be granted exemption from the provisions of this chapter; provided said employee continues as a member of the medical staff of a State agency or county institution or of the teaching or scientific

staff of a State agency and does not conduct any type of private medical practice.

5. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 167

AN ACT to amend "An act providing for the regulation of the possession and the release, liberation or distribution of certain mammals, birds, reptiles, or amphibians and supplementing Title 23 of the Revised Statutes," approved July 25, 1962 (P. L. 1962, c. 127).

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

1. Section 2 of P. L. 1962, c. 127 (C. 23:4-63.4) is amended to read as follows:

C. 23:4-63.4 Unauthorized possession, release, liberation or distribution; penalties.

2. No person shall possess, release, liberate or distribute any mammal, bird, reptile or amphibian and no person shall possess in such a manner as may permit the same to be released, liberated, or distributed contrary to the provisions of this act or of the Fish and Game Code and regulations adopted pursuant to this act, under a penalty of not less than \$100.00 nor more than \$500.00 for the first offense, and not less than \$500.00 nor more than \$1,000.00 for any subsequent offense.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 168

AN ACT to amend "An act to provide for the issuance by banks of convertible and nonconvertible capital notes and debentures, and supplementing 'An act concerning banking and banking institutions (Revision of 1948),' approved April 29, 1948 (P. L. 1948, c. 67)," approved September 6, 1966 (P. L. 1966, c. 272).

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

1. Section 9 of P. L. 1966, c. 272 (C. 17:9A-131.28) is amended to read as follows:

C. 17:9A-131.28 Approval of issuance of capital notes by commissioner.

9. No capital notes shall be issued unless they and any agreement to which they are subject are approved by the commissioner. Such capital notes and such agreements may contain such provisions, not inconsistent with the provisions of this act, as are customarily made in connection with similar evidences of indebtedness issued by corporations other than banks, including, but not limited to, provisions respecting maturities, interest rates, conversion ratios, rates of amortization of principal, prepayment privileges, reserves, sinking funds, and the like, except that no capital notes shall be issued which provide for conversion at a rate per share less than the par value of the shares issued on such conversion. Unless special cause is shown to the satisfaction of the commissioner, (a) no capital notes shall be issued by a bank at a time when the principal amount owing on all outstanding capital notes of the bank exceeds 50% of the bank's capital funds, or if such issue would cause such amount to exceed 50% of the bank's capital funds; and (b) no payment shall be made on account of the principal of any such note otherwise than as provided in such note or in any agreement to which such note is subject; and (c) no capital notes shall mature in more than 25 years from their dates. The commissioner may withhold his approval of any capital notes containing provisions which, in his opinion, are prejudicial to the interests of the bank's depositors or other creditors, or are inconsistent with sound financing or with the maintenance by the bank of a sound capital structure.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 169

AN ACT to require the wearing of fluorescent hunter's orange clothing while hunting with firearms and supplementing Title 23 of the Revised Statutes.

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

C. 23:4-13.1 Wearing of certain clothing required; penalty; "hunter's orange" defined.

1. a. Any person while hunting deer, rabbit, hare, squirrel, fox, or game birds, other than waterfowl, with firearms in this State, shall wear a cap of fluorescent hunter's orange or some other outer garment containing at least 200 square inches of fluorescent hunter's orange material which shall be visible from all sides. The penalty for violation of this section shall be \$50.00 for each offense.

b. "Hunter's orange" means a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85%, and luminance factor of not less than 40%.

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

Approved June 7, 1973.

CHAPTER 170

AN ACT imposing a direct income tax on corporations deriving income from sources within this State, which are not subject to the tax imposed under the Corporation Business Tax Act (1945) (C. 54:10A-1 et seq.) and supplementing Title 54 of the Revised Statutes.

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

C. 54:10E-1 Short title.

1. This act shall be known as the Corporation Income Tax Act (1972).

C. 54:10E-2 Corporations required to pay tax.

2. Every domestic and foreign corporation which is not hereinafter exempted shall pay an annual income tax for every calendar or fiscal year, or part thereof, ending after December 31, 1973, as hereinafter provided, on income derived from sources within New Jersey during such year, or part thereof.

A foreign corporation shall not be deemed to have income derived from sources within New Jersey by reason of

- a. the maintenance of cash balances with banks or trust companies in this State; or
- b. the ownership of shares of stock or securities in this State if such shares or securities are pledged as collateral security, or deposited with one or more banks or trust companies or brokers who are members of a recognized security exchange in safekeeping or custody accounts; or
- c. the taking of any action by any such bank or trust company or broker, which is incidental to the rendering of safekeeping or custodian service to such corporation.

C. 54:10E-3 Corporations exempt from tax.

3. The following corporations shall be exempt from the tax imposed by this act:

- a. corporations subject to tax under the Corporation Business Tax Act (1945) (C. 54:10A-1 et seq.);
- b. corporations specifically exempted from tax by the explicit language of section 3 of the Corporation Business Tax Act (1945) (C. 54:10A-3);
- c. corporations specifically exempted, by the explicit language of other New Jersey Statutes, from tax under this act or the Corporation Business Tax Act (1945).

C. 54:10E-4 Definitions.

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

- a. "Director" means the Director of the Division of Taxation of the State Department of the Treasury;
- b. "Allocation factor" means the proportionate part of the taxpayer's entire net income used to determine a measure of its tax under this act;
- c. "Corporation" means any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument;

d. "Indebtedness owing directly or indirectly" includes, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes;

e. "Taxpayer" means any corporation required to report or to pay taxes, interest or penalties under this act;

f. "Calendar year" means an accounting period ending on the last day of December on the basis of which the taxpayer is required to report for Federal income tax purposes;

g. "Fiscal year" means an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for Federal income tax purposes;

h. "Accounting period" means the calendar or fiscal year, or part thereof, for which a tax is payable under this act;

i. "Entire net income" means total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its Federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for Federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer. For the purposes of this section, a subsidiary shall be deemed to be any corporation in which a taxpayer is the owner of at least 80% of the total combined voting power of all classes of stock entitled to vote and of at least 80% of each class, if any, of nonvoting stock. With respect to other dividends, entire net income shall not include 50% of the total included in computing such taxable income for Federal income tax purposes;

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(a) the amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(b) any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subsection i. (1) of this section;

(c) taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in subsection i. (1) of this section;

(d) net operating losses sustained during any year or period other than that covered by the report;

(e) 90% of interest on indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes; except that such interest may, in any event, be deducted.

(i) up to an amount not exceeding \$1,000.00;

(ii) in full to the extent that it relates to bonds or other evidences of indebtedness issued, with stock, pursuant to a bona fide plan of reorganization, to persons, who, prior to such reorganization, were bona fide creditors of the corporation or its predecessors, but were not stockholders or shareholders thereof;

(3) The director may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

C. 54:10E-5 Computation of tax.

5. The income tax to be annually assessed to and paid by each taxpayer shall be computed at the rate of $7\frac{1}{4}\%$ of its entire net income or such portion thereof as may be allocable to this State as provided in section 6.

C. 54:10E-6 Determination of portion of income to be used as measure of tax.

6. When the income of a taxpayer subject to tax under this act is derived from sources both within and without the State, the portion of its entire net income to be used as a measure of the tax imposed by section 5 of this act, shall be determined by multiplying such entire net income by an allocation factor which shall be the average of the fractions computed in a., b., and c. below, or of so many of them as may be applicable, that is:

a. The average value of the taxpayer's owned, rented or leased real and tangible personal property within the State during the

period covered by its report divided by the average value of all the taxpayer's owned, rented or leased real and tangible personal property wherever situated during such period. Property rented or leased by the taxpayer shall be valued at eight times the gross annual lease or rental rate.

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

(1) sales of its tangible personal property where such property is delivered or shipped to a purchaser, other than the United States Government, within this State regardless of the f.o.b. point or other conditions of the sale;

(2) sales of its tangible personal property where the purchaser is the United States Government and where such property is located within this State at the time of the receipt of or appropriation to the orders;

(3) sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points in other States, the District of Columbia or Puerto Rico, where such jurisdictions do not have the power to impose an income or franchise tax on the taxpayer;

(4) services performed within the State;

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

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

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

C. 54:10E-7 Compensation of officers and employees.

7. As used in section 6 c., compensation of officers and employees within this State shall include the entire amount of wages, salaries

and other personal service compensation for services performed within or both within and without this State if:

- a. The service is performed entirely within this State; or
- b. The service is performed both within and without this State, but the service performed without this State is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions;
- c. The service is not performed entirely in any state but some of the service is performed in this State, and (1) the base of operation, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (2) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State;
- d. Contributions are not required and paid with respect to such services under an unemployment compensation law of any other state.

C. 54:10E-8 Adjustment of allocation factor.

8. If it shall appear to the director that an allocation factor determined pursuant to section 6 does not properly reflect the activity, business, receipts or entire net income of a taxpayer reasonably attributable to the State, he may adjust it by:

- a. excluding one or more of the factors therein;
- b. including one or more other factors, such as expenses, purchases, contract values (minus subcontract values);
- c. excluding one or more assets in computing an allocation percentage; or
- d. applying any other similar or different method calculated to effect a fair and proper allocation of the entire net income reasonably attributable to the State.

C. 54:10E-9 Powers of director.

9. Whenever it shall appear to the director that any taxpayer fails to maintain its records in accordance with sound accounting principles or conducts its business or maintains its records in such manner as either directly or indirectly to distort its true entire net income under this act or the proportion thereof properly allocable to this State, or whenever any taxpayer maintains a place of business outside this State, or whenever any agreement, understanding or arrangement exists between a taxpayer and any other corporation or any person or firm, for the purpose of evading tax under this act, or whereby the activity, business, receipts, expenses, assets

or income of the taxpayer are improperly or inaccurately reflected, the director is authorized and empowered, in his discretion and in such manner as he may determine, to adjust and redetermine such items, and to adjust items of gross receipts, tangible property and payrolls within and without the State and the allocation of entire net income or to make any other adjustments in any tax report or tax returns as may be necessary to make a fair and reasonable determination of the amount of tax payable under this act. Where a. any taxpayer conducts its activity or business under any agreement, arrangement or understanding in such manner as either directly or indirectly to benefit its members or stockholders, or any of them, or any person or persons directly or indirectly interested in such activity or business, by entering into any transaction at more or less than a fair price which, but for such agreement, arrangement or understanding, might have been paid or received therefor, or b. any taxpayer, a substantial portion of whose capital stock is owned either directly or indirectly by or through another corporation, enters into any transaction with such other corporation on such terms as to create an improper loss or net income, the director may include in the entire net income of the taxpayer the fair profits which, but for such agreement, arrangement or understanding, the taxpayer might have derived from such transaction. The director may require any person or corporation to submit such information under oath or affirmation, or to permit such examination of its books, papers and documents, as may be necessary to enable him to determine the existence, nature or extent of an agreement, understanding or arrangement to which this section relates, whether or not such person or corporation is subject to the tax imposed by this act.

C. 54:10E-10 Court-appointed agent subject to tax.

10. Any receiver, referee, trustee, assignee or other fiduciary, or any officer or agent appointed by any court, to conduct the business or conserve the assets of any corporation shall be subject to the tax imposed by this act in the same manner and to the same extent as a corporation hereunder.

C. 54:10E-11 Change or correction of taxable income.

11. If the amount of the taxable income for any year of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the

United States results in a change in said taxable income, or where a recovery of a war loss results in a computation or recomputation of any tax imposed by the United States, such taxpayer shall report such changed or corrected taxable income, or the results of such renegotiation, or such computation or recomputation, within 90 days after the final determination of such change or correction or renegotiation, or such computation or recomputation, or as required by the director, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department shall also file within 90 days thereafter an amended report with the director.

C. 54:10E-12 Maintenance and submission of records, books and documents.

12. a. The director may by general rule or by special notice require any taxpayer to submit copies or pertinent extracts of its Federal income tax returns, or of any other tax return made to any agency of the Federal Government, or of this or any other state, or of any statement or registration made pursuant to any State or Federal law pertaining to securities or securities exchange regulation.

b. The director may require all taxpayers to keep such records as he may prescribe, and he may require the production of books, papers, documents and other data, to provide or secure information pertinent to the determination of the tax hereunder and the enforcement and collection thereof. The director may, also, by general rule or by special notice require any taxpayer to make and file information returns, under oath, of facts pertinent to the determination of the tax or liability for tax hereunder, pursuant to such regulations, at such times and in such form and manner and to such extent as he may prescribe pursuant to law.

C. 54:10E-13 Annual payment of tax.

13. The tax imposed by this act shall be due and payable annually for calendar or fiscal years ending after December 31, 1973, in the manner provided under subsections a. and b. hereof.

a. Every taxpayer shall annually pay an income tax on a report which shall be filed on or before the fifteenth day of the fourth month after the close of taxpayer's fiscal or calendar accounting period, or part thereof, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the return.

b. In addition to the income tax payable under subsection a. of this section, every taxpayer shall annually pay as a partial pay-

ment of income tax an amount equal to $\frac{1}{2}$ the tax payable under said subsection a. In the calculation of the tax pertaining to each succeeding fiscal or calendar accounting period, due in accordance with subsection a., every taxpayer shall be entitled to a credit in the amount of the tax paid under this subsection b. as a partial payment and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with said subsection a. and this subsection b.

c. For the purpose of this act, every taxpayer shall use the same calendar or fiscal year upon which it reports to the United States Treasury Department for Federal income tax purposes.

C. 54:10E-14 Short period return; failure to file return; penalties.

14. a. If the period covered by a report under this act is less than 12 calendar months and is other than the period reported on for Federal income tax purposes, the taxpayer may prorate its adjusted entire net income by dividing such adjusted entire net income by the number of calendar months, or parts thereof, covered by the Federal income tax return and multiplying the result by the number of calendar months, or parts thereof, covered by the short period return. For purposes of this section, a part of a month shall be deemed to be a month.

b. Any taxpayer which shall fail to file its return when due shall be liable to a penalty of \$2.00 for each day of delinquency, which penalty shall be payable to, and recoverable by, the director as part of the tax herein imposed. If any tax be not paid when the same becomes due, as herein provided, there shall be added to the amount of the tax a sum equivalent to 5% thereof, as a penalty, and, in addition thereto, interest at the rate of 1% per month or fraction thereof from the date the tax became due until the same be paid. The director, if satisfied that the failure to comply with any provision of this act was excusable, may abate or remit the whole or part of any penalty.

C. 54:10E-15 Offset of certain taxes paid.

15. Where any taxpayer has paid a tax under the Corporation Business Tax Act (1945) (C. 54:10A-1 et seq.) for a calendar or fiscal year for which it was not properly subject to tax under said Corporation Business Tax Act, the amount of taxes so paid may be offset against the tax imposed by this act for the same period. Where any taxpayer has paid a tax under this act for a calendar or fiscal year for which it was properly subject to tax under said Corporation Business Tax Act, the amount of tax so

paid may be offset against the tax imposed by said Corporation Business Tax Act for the same period.

C. 54:10E-16 Filing of certain returns.

16. Where a corporation is properly subject to tax under this act and under the Corporation Business Tax Act (C. 54:10A-1 et seq.) for portions of the same calendar or fiscal year, a return must be filed for said calendar or fiscal year under this act and the proper amount of tax due thereon must be paid. In computing its tax liability for the portion of the calendar or fiscal year for which it was subject to tax under this act, the taxpayer may prorate its adjusted entire net income in the manner provided in subsection a. of section 14.

C. 54:10E-17 Forms; contents; certification.

17. The director shall design a form of return and forms for such additional statements or schedules as he may require to be filed therewith. Such forms shall provide for the setting forth of such facts as the director may deem necessary for the proper enforcement of this act. He shall cause a supply thereof to be printed and shall furnish appropriate blank forms to each taxpayer upon application or otherwise as he may deem necessary. Failure to receive a form shall not relieve any taxpayer from the obligation to file a return under the provisions of this act. Each such return shall have annexed thereto a certification by the president, vice president, comptroller, secretary, treasurer, assistant treasurer, accounting officer of the taxpayer or any other officer of the taxpayer duly authorized so to act to the effect that the statements contained therein are true. The fact that an individual's name is signed on a certification of the report shall be prima facie evidence that such individual is authorized to sign and certify the report on behalf of the corporation. In the case of a corporation in liquidation or in the hands of a receiver or trustee, certification shall be made by the person responsible for the conduct of the affairs of such corporation.

C. 54:10E-18 Extension of time for filing of returns or payment of tax; interest.

18. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax. If the time for filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension

of the time for the filing of the return, but in every such case the corporation shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate of 6% per annum from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate of 1% per month or fraction thereof to be calculated from the date the tax was originally due to the date of actual payment.

C. 54:10E-19 Examination and audit of returns; deficiency assessments.

19. a. After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interests due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment, interest at the rate of 1% for each month or fraction thereof to be calculated from the date the tax was originally due and payable until the date of actual payment. If the director is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge in excess of the rate of $\frac{1}{2}$ of 1% per month.

b. Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

c. After a final return in due form is filed for an accounting period under this act, the director may, within 5 years of the date of filing such return, require the taxpayer to file a proper return under the Corporation Business Tax Act (C. 54:10A-1 et seq.)

and pay any additional tax due thereon, if he shall determine that the taxpayer was properly subject to tax under said Corporation Business Tax Act for such accounting period.

d. The director is authorized to enter into a written agreement with any taxpayer relating to the liability of such taxpayer in respect of any tax, fee, penalty or interest heretofore or hereafter imposed by this act which agreement shall be final and conclusive, and except upon a showing of fraud, malfeasance, or misrepresentation of a material fact:

(1) the case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee or agent of this State; and

(2) in any suit, action or proceeding, such agreement or any determination, assessment, collection, payment, cancellation, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

C. 54:10E-20 Filing of protest; hearing.

20. If any taxpayer shall be aggrieved by any finding or assessment of the director, he may, within 30 days of the giving of the notice of assessment or finding, file a protest in writing signed by himself or his duly authorized agent, which shall be under oath, and shall set forth the reason therefor, and may request a hearing. Thereafter the director shall grant a hearing to the taxpayer, if the same shall be requested. He may make an order confirming, modifying or vacating any such finding or assessment. The filing of any such protest shall not abate penalties for nonpayment, nor shall it stay the right of the director to collect the tax in any manner herein provided, unless the taxpayer shall furnish security of the kind and in the amount satisfactory to the director. The time for appeal or review shall not be extended by the filing of any protest unless a hearing is requested, and the time to appeal shall then be extended only for the period between the filing of the protest and the final determination thereon by the director.

C. 54:10E-21 Appeal.

21. a. Any aggrieved taxpayer may, within 3 months after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the division of tax appeals, by filing a petition of appeal with said division in the manner and form prescribed by the said division and on giving security, approved by the Director of the Division of

Taxation, conditioned to pay the tax heretofore levied, if the same remains unpaid, with interest and costs.

b. No such appeal shall stay the collection of any tax or the enforcement of the same by entry as a judgment, unless by order of such division, and then only after security approved by the director of said division has been furnished to the Director of the Division of Taxation. The judgment or order of the Division of Tax Appeals respecting any matter arising under the provisions of this act may be reviewed by a proceeding in lieu of prerogative writ in the same manner as other judgments of said division.

C. 54:10E-22 Administration, collection and enforcement of tax.

22. The administration, collection and enforcement of the tax imposed by this act shall be subject to the provisions of the State tax uniform procedure law as therein provided (chapters 48 through 52 of Title 54 of the Revised Statutes) to the extent that the provisions of such law are not inconsistent with any provision of this act.

C. 54:10E-23 Partial invalidity.

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

C. 54:10E-24 Rules and regulations.

24. The director shall prescribe and issue such rules and regulations, not inconsistent herewith, for the interpretation and application of the provisions of this act, as he may deem necessary.

25. This act shall take effect immediately and shall be applicable to taxpayers with calendar or fiscal years ending after December 31, 1973.

Approved June 7, 1973.

CHAPTER 171

AN ACT requiring the filing of a notice of business activities report by a foreign corporation which has not received a certificate of authority to do business in this State, or does not file a return under the "Corporation Business Tax Act" or the "Corporation Income Tax Act," but which carries on activities or owns or maintains property in this State; providing for penalties and making an appropriation.

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

C. 14A:13-14 Short title.

1. This act shall be known as the "Corporation Business Activities Reporting Act."

C. 14A:13-15 Corporations required to file report.

2. Every foreign corporation which during any calendar or fiscal accounting year ending after December 31, 1973, carried on any activity or owned or maintained any property in this State, unless specifically exempted under section 3 of this act, shall be required to file a notice of business activities report, as hereinafter provided.

Activities or property maintenance in this State which require corporations to file this report are:

- a. the maintenance in this State of an office or other place of business; or
- b. the maintenance of personnel in this State, including the presence of employees, agents, representatives or independent contractors in connection with the corporation's business, even though not regularly stationed in this State; or
- c. the ownership or maintenance of real and/or tangible personal property directly used by the corporation in this State; or
- d. the ownership or maintenance of tangible and/or intangible property in this State which is used by others; or
- e. receiving payments from persons residing in this State, or businesses located in this State, aggregating in excess of \$25,000.00 regardless of any other connections with this State; or
- f. the derivation of income from any source or sources within this State; or
- g. any other activity or property in, or interrelationships with, this State as designated by the director.

C. 14A:13-16 Corporations not required to file report.

3. A foreign corporation shall not be required to file a notice of business activities report if

a. by the end of an accounting period for which it was otherwise required to file a notice of business activities report under this act, it had received a certificate of authority to do business in this State; or

b. a timely return has been filed under the Corporation Business Tax Act or the Corporation Income Tax Act for such accounting period.

C. 14A:13-17 Definitions.

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

a. "Director" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

b. "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

c. "Calendar year" shall mean an accounting period ending on the last day of December on the basis of which the corporation is required to report for Federal income tax purposes.

d. "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the corporation is required to report for Federal income tax purposes.

e. "Accounting period" shall mean the calendar or fiscal year, or part thereof, for which a report is due under this act.

C. 14A:13-18 Annual filing of report.

5. a. Every foreign corporation shall annually file a notice of business activities report with respect to all or any part of each of its calendar or fiscal accounting years ending after December 31, 1973, on a report which shall be filed on or before the fifteenth day of the fourth month after the close of such calendar or fiscal accounting year.

b. For purposes of this act, every foreign corporation shall use the same calendar or fiscal accounting year upon which it reports to the United States Treasury Department for Federal income tax purposes.

C. 14A:13-19 Forms; contents; certification.

6. The director shall design a form of report and forms for such additional statements or schedules as he may require to be filed therewith. Such form shall contain a provision in which the foreign corporation may disclaim liability for the corporation business tax and the corporation income tax, and any obligation to obtain a certificate of authority to do business in this State and shall provide for the setting forth of such additional facts as the director may deem necessary for the proper enforcement of this act. He shall cause a supply thereof to be printed and shall furnish appropriate blank forms to each corporation upon application or otherwise as he may deem necessary. Failure to receive a form shall not relieve any corporation from the obligation to file a report under the provisions of this act. Each such report shall have annexed thereto a certification by the president, vice president, comptroller, secretary, treasurer, assistant treasurer, accounting officer of the corporation or any other officer of the corporation duly authorized so to act to the effect that the statements contained therein are true. The fact that an individual's name is signed on a certification of the report shall be prima facie evidence that such individual is authorized to sign and certify the report on behalf of the corporation. In the case of a corporation in liquidation or in the hands of a receiver or trustee, certification shall be made by the person responsible for the conduct of the affairs of such corporation.

C. 14A:13-20 Effect of failure to file timely report; finding of court.

7. a. No foreign corporation carrying on any activity or owning or maintaining any property in this State which has not obtained a certificate of authority to do business in this State and disclaims liability for the corporation business tax and the corporation income tax shall maintain any action or proceeding in any State or Federal court in New Jersey, until such corporation shall have filed a timely notice of business activities report.

b. The failure of a foreign corporation to file a timely report shall prevent the use of the courts in this State for all contracts executed and all causes of action that arose at any time prior to the end of the last accounting period for which the corporation failed to file a required timely report.

c. The court in which the issues arise shall be granted the power to excuse the corporation for failure to file a report when due, and restore the right of access to the courts in this State. Such failure to file a report shall be excusable where the court finds the corpo-

ration has sustained the burden of establishing that

(1) the failure to file a timely report was done in ignorance of the requirement to file, such ignorance was reasonable in all circumstances; and

(2) all taxes, interest and civil penalties due the State for all periods have been paid, or provided for by adequate security or bond approved by the director, before the suit may proceed.

C. 14A:13-21 Provisions governing act.

8. This act shall be governed in all respects by the provisions of the State tax uniform procedure law (subtitle 9 of Title 54 of the Revised Statutes) except only to the extent that a specific provision of this act may be in conflict therewith.

C. 14A:13-22 Administration of act.

9. The Director, Division of Taxation in the Department of Treasury, shall administer the provisions of this act, adopt regulations necessary or desirable to effectuate its purposes, prepare instructions for guidance and information and provide for all other matters reasonably required for the fair, impartial and practical administration of this act.

C. 14A:13-23 Partial invalidity.

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

11. This act shall take effect immediately and shall be applicable to corporations with calendar or fiscal accounting years ending after December 31, 1973.

Approved June 7, 1973.

CHAPTER 172

AN ACT to increase the membership of the New Jersey State Commission on Women, and amending P. L. 1969, c. 40.

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

1. Section 2 of P. L. 1969, c. 40 (C. 52:27D-43.2) is amended to read as follows:

C. 52:27D-43.2 State Commission on Women; membership, appointment, terms, vacancies, officers.

2. The New Jersey State Commission on Women shall consist of 11 citizen members each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for 3 years and until a successor is appointed and qualified, except that of those first appointed as additional members pursuant to this amendatory act, one shall be appointed for a term of 3 years and the other for a term of 2 years. Each vacancy caused by other than expiration of term shall be filled for the unexpired term only. Not more than six members shall belong to the same political party. A chairperson and other officers of the commission shall be elected from among the members by the members for a term of 2 years.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 173

AN ACT concerning counterfeit State Lottery tickets and devices
and supplementing P. L. 1970, c. 13.

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

C. 5:9-14.1 Making or passing forged, altered or counterfeited State Lottery tickets; penalty.

1. Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be made, forged, altered or counterfeited, any New Jersey State Lottery ticket, or any part thereof, prepared and prescribed by the Director of the Division of the State Lottery or by the State Lottery Commission under the authority of the act to which this act is a supplement, or who knowingly and willfully utters, publishes, passes or tenders as true, any such forged, altered or counterfeited New Jersey State Lottery ticket shall be guilty of a misdemeanor. If any person with intent to defraud secures, manufactures or causes to be secured or manufactured, or has in his possession any counterfeit New

Jersey State Lottery ticket or device, he shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved June 7, 1973.

CHAPTER 174

AN ACT concerning firearms and other dangerous weapons and amending N. J. S. 2A:151-8 and N. J. S. 2A:151-33.

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

1. N. J. S. 2A:151-8 is amended to read as follows:

Certain persons not to have weapons; penalty.

2A:151-8. Any person, having been convicted in this State or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in article 2 of P. L. 1970, c. 226 (C. 24:21-3 et seq.), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another State, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction, of a crime which in said State, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2. N. J. S. 2A:151-33 is amended to read as follows:

Right to obtain permit to purchase; exceptions.

2A:151-33. No person of good character and who is of 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 pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

3. This act shall take effect immediately.

Approved June 8, 1973.

CHAPTER 175

AN ACT to amend the "Office of Fiscal Affairs Act," approved June 14, 1971 (P. L. 1971, c. 211).

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

1. Section 5 of P. L. 1971, c. 211 (C. 52:11-47) is amended to read as follows:

C. 52:11-47 Executive director's powers and duties.

5. The executive director of the Office of Fiscal Affairs shall:

a. Keep and maintain such books and accounts and other accounting records as may be necessary to enable him to accomplish the purposes of the office as in this act provided.

b. Organize the office with such divisions, bureaus, and other organizational units as he shall determine to be appropriate.

c. Subject to the approval of the Law Revision and Legislative Services Commission he may appoint, employ, and within the limits of funds appropriated therefor, fix the compensation of such assistants and employees other than the State Auditor, as the commission shall determine to be required to perform the duties and functions of the office.

d. Subject to the approval of the Law Revision and Legislative Services Commission, and within the limits of funds appropriated therefor, contract for the performance of professional and technical services in connection with any audit or examination he is required or directed to make.

e. Ascertain compliance with legislative intent by the conduct of performance audits and efficiency studies, review of the fiscal implications upon the State or Federal legislation, policies and programs and examine and audit the application of funds appropriated from the proceeds of State bond issues.

f. Report at least annually to the Legislature on the operations of the Office of Fiscal Affairs.

g. Make reports and recommendations to the presiding officers of the Senate and General Assembly with respect to proposed leases of buildings and office space for the use of the State.

In the exercise of any of his powers the executive director may by subpoena compel the attendance of witnesses and the production of books, papers and records.

2. This act shall take effect immediately.

Approved June 8, 1973.

CHAPTER 176

AN ACT concerning public support of bus services and amending
P. L. 1969, c. 134.

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

1. Section 8 of P. L. 1969, c. 134, is amended to read as follows:
 8. This act shall take effect immediately but shall terminate on July 1, 1974.
 2. This act shall take effect immediately.
- Approved June 8, 1973.

CHAPTER 177

AN ACT concerning railroad grade crossings, amending R. S. 39:4-128.

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

1. R. S. 39:4-128 is amended to read as follows:

Full stop at grade crossings; exceptions; notice to railroad of intention to cross with certain vehicles or machinery; penalties; municipal regulations; orders of public utility commissioners.

39:4-128. (a) The driver of any omnibus, designed for carrying more than six passengers, or of any school bus carrying any school child or children, or of any vehicle carrying explosive substance or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped listen and look in both directions along such track or tracks, for any approaching train, and for signals indicating the approach of a train. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while transversing such crossing and the driver shall not shift gears while crossing the track or tracks. This section shall not apply to grade crossings which are no longer used for railroad traffic and which have been abandoned by the railroad company provided that appropriate signs have been posted to indicate that such grade crossing has been abandoned or is no longer used for any railroad traffic. This section shall also not apply to grade crossings where the railroad track has been removed or paved over and the warning signs erected by the railroad in accordance with R. S. 48:12-58 have been removed, provided that in such case written notice is given to the

Board of Public Utility Commissioners and to the appropriate State or local authority having jurisdiction over the highway, road, or street prior to the undertaking of such removal or paving of railroad track.

(b) No person shall operate or move any crawler-type tractor, wheel tractor, tractor engine with or without trailer or trailers attached, steam shovel, derrick, roller, self-propelled concrete mixer, or any self-propelled vehicle, equipment, machinery, apparatus or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than $\frac{1}{2}$ inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any track or tracks at a railroad grade crossing without first complying with the following requirements.

Notice of any such intended crossing shall be given to the nearest superintendent or trainmaster of such railroad. Such notice shall specify the approximate time of crossing and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

After concluding satisfactory arrangements with the proper officer of the railroad and before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track or tracks for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If the flagman is provided by the railroad, movement over the crossing shall be made under his jurisdiction.

(c) Any person violating the provisions of this section shall be punished by a fine of not more than \$50.00 for the first offense and for the second offense a fine of not more than \$100.00, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

(d) This section shall not be construed as limiting the authority of any municipality to adopt police regulations governing the operation of omnibuses and to provide penalties for their violation, or to relieve the owner or operator of such omnibus subject to the

jurisdiction of the Board of Public Utility Commissioners from any penalty prescribed by the laws of this State for violation of orders of such board.

2. This act shall take effect immediately.

Approved June 8, 1973.

CHAPTER 178

AN ACT to amend "An act providing for the licensing and regulation of convalescent and nursing home administrators, and supplementing chapter 11 of Title 30 of the Revised Statutes," approved November 26, 1968 (P. L. 1968, c. 356).

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

1. Section 13 of P. L. 1968, c. 356 (C. 30:11-23) is amended to read as follows:

C. 30:11-23 Qualifications for license.

13. Except as to persons who shall qualify for a conditional license pursuant to the provisions of this act, no license shall be issued to a person unless he is a citizen of the United States at the time of the submission of the application, or has declared his intention of becoming a citizen of the United States in the form and manner prescribed by the Commissioner of Health. No license granted to a noncitizen shall be valid or be renewed after 6 years from the date of his declaration of intention unless he shall furnish evidence of his actually having become a citizen. No license shall be issued to any person under the age of 18 years; to any person who has ever been convicted of a crime involving moral turpitude; or to any person who has been found guilty of violating the provisions of this act by a court of competent jurisdiction or who has admitted such guilt.

2. This act shall take effect immediately.

Approved June 8, 1973.

CHAPTER 179

AN ACT concerning county boards of election and amending R. S. 19:6-22.

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

1. R. S. 19:6-22 is amended to read as follows:

Organization meeting; chairman; secretary; other meetings.

19:6-22. The county boards shall, at 10 a.m., on the second Tuesday in March or on such other day as they may agree on within the first 15 days in March, in each year, meet at the courthouse, or other place as provided for, in their respective counties, and organize by electing one of their number to be chairman and one to be secretary; but the chairman and secretary shall not be members of the same political party.

In case of failure to elect a chairman for three ballots or viva voce votes, the senior member in age of the board shall be the chairman thereof, and on failure to elect a secretary for three ballots or viva voce votes, the next senior member of the board in age shall be secretary of the board; but the chairman and secretary shall not be members of the same political party.

The boards shall have power in their discretion to hold their meetings for any purpose, except organization, in any part of their respective counties. Meetings may be called by either the chairman or the secretary of the board, or at the request of any two members.

2. This act shall take effect immediately.

Approved June 8, 1973.

CHAPTER 180

AN ACT to authorize the township of Moorestown in the county of Burlington to make permanent the appointment of Loyd A. Barrentine to the department of police of the said township of Moorestown in the county of Burlington.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199, under which a petition for a special law has been filed with the Legislature, the township of Moorestown in the county of Burlington is authorized to make permanent the appointment of Loyd A. Barrentine to the department of police of said township of Moorestown in the county of Burlington notwithstanding that his age is greater than the maximum age limit set forth in N. J. S. 40A:14-127.

2. This act shall take effect upon due adoption of an ordinance of the township of Moorestown in the county of Burlington for the purpose of adopting same.

Approved June 8, 1973.

CHAPTER 181

AN ACT concerning liens of the State and amending N. J. S. 2A:45-2.

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

1. N. J. S. 2A:45-2 is amended to read as follows:

Notice; contents.

2A:45-2. In any such action, a notice shall be directed to the State of New Jersey, stating the names of the parties and describing the lien or encumbrance of the State sought to be affected and advising the State within what time it is required to answer, if it desires to be heard, which time shall be the same as prescribed for the filing of answers in a summons issued to defendants served personally in the State. The notice shall set forth with particularity, in addition to the foregoing, (a) where the encumbrance or lien is for an inheritance tax, if known, the name of the decedent by reason of whose death the encumbrance or lien arises, the date of death of such decedent, the county and state wherein such decedent resided at the date of death, and the names and addresses of the decedent's personal representatives, or, if none have been appointed, the names and addresses of the decedent's heirs-at-law, or (b) where the encumbrance or lien is for corporation taxes,

or interest, costs or penalties imposed upon, or by reason of, a corporation tax, the name of the corporation against which the same was assessed or imposed. The plaintiff, his attorney or the clerk of the court may issue the notice.

2. This act shall take effect immediately.

Approved June 8, 1973.

CHAPTER 182

AN ACT to amend the "Door-to-Door Retail Installment Sales Act of 1968," approved July 30, 1968 (P. L. 1968, c. 223).

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

1. Section 3 of P. L. 1968, c. 223 (C. 17:16C-61.3) is amended to read as follows:

C. 17:16C-61.3 Legislature's findings.

3. The Legislature hereby finds and declares that the consumer is frequently induced to enter into retail installment sales contracts for goods which he does not need through the unsolicited and often unethical persuasion of certain door-to-door sellers. It is the purpose of this act to enable the consumer to reconsider his purchase within a reasonable period of time and to rescind the sale if he acts before 5 p.m. of the third business day following the day on which the contract is executed.

2. Section 5 of P. L. 1968, c. 223 (C. 17:16C-61.5) is amended to read as follows:

C. 17:16C-61.5 Rescission of retail installment contract under certain circumstances.

5. (a) Any retail installment sale of goods or retail installment contract for the sale of goods, other than a motor vehicle, a boat, and motor vehicle or boat accessories, for a purchase price in excess of \$25.00, which is entered into at a place other than the place of business of the retail seller may be rescinded by the retail buyer if the retail buyer:

(1) Furnishes to the retail seller a notice of intent to rescind the retail installment sale or retail installment contract by certified mail, return receipt requested, postmarked not later than 5 p.m.

of the third business day following the day on which the retail installment sale or retail installment contract is executed; and

(2) Gives up possession of any goods, subject to such retail installment sale or retail installment contract, delivered to the retail buyer prior to receipt by the retail seller of such notice of intent to rescind.

(b) Within 10 business days after receipt of such notice of intent to rescind the retail installment sale or retail installment contract, a retail seller shall:

(1) Pick up, at his own expense, any goods subject to such sale or contract, delivered to the retail buyer prior to receipt by the retail seller of such notice;

(2) Refund to the retail buyer all amounts of money paid by the retail buyer (less reasonable charges for any damage to such goods which occurred while in the possession of the retail buyer); and

(3) Redeliver to the retail buyer any goods traded-in to the retail seller on account of or in contemplation of the retail installment sale or retail installment contract (less any reasonable charges actually incurred in making the goods ready for sale).

(c) This section does not apply to mail order sales, telephone sales, catalog sales where an order is placed by mail or telephone, or sales in which the retail buyer has requested the retail seller to enter into the sale at a place other than the retail seller's place of business, but it does apply to sales in which the retail buyer has requested the retail seller to conduct a demonstration or exhibition at a place other than the retail seller's place of business and has not also requested to enter into a sale at that place at the same time he has requested such demonstration or exhibition.

(d) Each retail seller shall maintain a record of the receipt of any retail buyer's notice of intent to rescind a sale under this act for at least 18 months after the receipt of such notice of intent to rescind.

3. Section 6 of P. L. 1968, c. 223 (C. 17:16C-61.6) is amended to read as follows:

C. 17:16C-61.6 Delivery, form and contents of receipt.

6. (a) At the time of executing every retail installment sale or retail installment contract subject to the provisions of section 5 of this act, the retail seller shall deliver to the retail buyer two copies of a receipt which clearly and conspicuously sets forth:

- (1) The retail seller's name and place of business;
- (2) A description of the goods sold; and
- (3) The amount of money paid by the retail buyer or the cash value of any goods delivered to the retail seller at the time the retail installment sale or retail installment contract was entered into.

(b) The receipt required to be delivered to the retail buyer shall also clearly and conspicuously bear, in at least 10-point bold type, the following statement:

“NOTICE TO RETAIL BUYER: YOU MAY RESCIND THIS SALE PROVIDED THAT YOU NOTIFY THE RETAIL SELLER OF YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POST-MARKED NOT LATER THAN 5 P.M. OF THE THIRD BUSINESS DAY FOLLOWING THE SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER, WILL NOT INTERFERE WITH ANY OTHER REMEDIES AGAINST THE RETAIL SELLER YOU MAY POSSESS. IF YOU WISH, YOU MAY USE THIS PAGE AS NOTIFICATION BY WRITING ‘I HEREBY RESCIND’ AND ADDING YOUR NAME AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS PROVIDED BY THE RETAIL SELLER FOR YOUR RECORDS.”

(c) No receipt required to be delivered to the retail buyer shall contain, or be accompanied by any document which contains, provisions by which the retail buyer waives his rights under this act.

(d) A retail seller who in the ordinary course of business regularly uses a language other than English in any advertising or other solicitation of retail buyers, or in any printed forms for use by retail buyers, or in any face-to-face negotiations with retail buyers shall deliver the two copies of the receipt to a retail buyer whose principal language is such other language one in English and one in the other language.

4. This act shall take effect 45 days from its enactment.

Approved June 8, 1973.

CHAPTER 183

AN ACT to amend the "Door-to-Door Home Repair Sales Act of 1968," approved July 30, 1968 (P. L. 1968, c. 224).

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

1. Section 3 of P. L. 1968, c. 224 (C. 17:16C-97) is amended to read as follows:

C. 17:16C-97 Legislature's findings.

3. The Legislature hereby finds and declares that the consumer is frequently induced to enter into home repair contracts for goods and services which he does not need through the unsolicited and often unethical persuasion of certain door-to-door sellers. It is the purpose of this act to enable the consumer to reconsider his purchase within a reasonable period of time and to rescind the home repair contract if he acts before 5 p.m. of the third business day following the day on which the contract is executed.

2. Section 5 of P. L. 1968, c. 224 (C. 17:16C-99) is amended to read as follows:

C. 17:16C-99 Rescission of home repair contract under certain circumstances.

5. (a) Any home repair contract, for a purchase price in excess of \$25.00, which is entered into at a place other than the place of business of the home repair contractor may be rescinded by the owner if the owner:

(1) Furnishes to the home repair contractor a notice of intent to rescind the home repair contract by certified mail, return receipt requested, postmarked not later than 5 p.m. of the third business day following the day on which the home repair contract is executed; and

(2) Gives up possession of any goods, subject to such home repair contract, delivered to the owner prior to receipt by the home repair contractor of such notice of intent to rescind.

(b) Within 10 business days after receipt of such notice of intent to rescind the home repair contract, a home repair contractor shall:

(1) Pick up, at his own expense, any goods subject to such contract, delivered to the owner prior to receipt by the home repair contractor of such notice;

(2) Refund to the owner all amounts of money paid by the owner (less reasonable charges for any damages to such goods which occurred while in the possession of the owner); and

(3) Redeliver to the owner any goods traded-in to the home repair contractor on account of or in contemplation of the home repair contract (less any reasonable charges actually incurred in making the goods ready for sale).

(c) This section does not apply to mail order sales, telephone sales, catalog sales where an order is placed by mail or telephone, or sales in which the owner has requested the home repair contractor to enter into the sale at a place other than the home repair contractor's place of business, but it does apply to sales in which the owner has requested the home repair contractor to conduct a demonstration or exhibition at a place other than the home repair contractor's place of business and has not also requested to enter into a sale at the place at the same time he has requested such demonstration or exhibition.

(d) Each home repair contractor shall maintain a record of the receipt of any owner's notice of intent to rescind a sale under this act for at least 18 months after the receipt of such notice of intent to rescind.

3. Section 6 of P. L. 1968, c. 224 (C. 17:16C-100) is amended to read as follows:

C. 17:16C-100 Delivery, form and contents of receipt.

6. (a) At the time of executing every home repair contract subject to the provisions of section 5 of this act, the home repair contractor shall deliver to the owner two copies of a receipt which clearly and conspicuously sets forth:

- (1) The home repair contractor's name and place of business;
- (2) A description of the goods and services sold; and
- (3) The amount of money paid by the owner or the cash value of any goods delivered to the home repair contractor at the time the home repair contract was entered into.

(b) The receipt required to be delivered to the owner shall also clearly and conspicuously bear, in at least 10-point bold type, the following statement:

"NOTICE TO OWNER: YOU MAY RESCIND THIS SALE PROVIDED THAT YOU NOTIFY THE HOME REPAIR CONTRACTOR OF YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5 P.M. OF THE

THIRD BUSINESS DAY FOLLOWING THE SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER, WILL NOT INTERFERE WITH ANY OTHER REMEDIES AGAINST THE HOME REPAIR CONTRACTOR YOU MAY POSSESS. IF YOU WISH, YOU MAY USE THIS PAGE AS NOTIFICATION BY WRITING 'I HEREBY RESCIND' AND ADDING YOUR NAME AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS PROVIDED BY THE HOME REPAIR CONTRACTOR FOR YOUR RECORDS."

(c) No receipt required to be delivered by the owner shall contain, or be accompanied by any document which contains, provisions by which the owner waives his rights under this act.

(d) A home repair contractor who in the ordinary course of business regularly uses a language other than English in any advertising or other solicitation of owners, or in any printed forms for use by owners, or in any face-to-face negotiations with owners shall deliver the two copies of the receipt to an owner whose principal language is such other language one in English and one in the other language.

4. This act shall take effect 45 days from its enactment.

Approved June 8, 1973.

CHAPTER 184

AN ACT to create an energy crisis study commission, prescribing its membership, powers and duties and making an appropriation therefor.

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

1. The Legislature finds and declares:

a. The demands for substantial increases in the supply of energy to meet an expanding population and industrial and other economic development in the State, without disrupting our natural resources or adversely affecting the environment dictate an in depth study as a basis to guide the establishment of State policy by law.

b. The nationwide demand for energy by 1980 presents highly technical problems demanding expert study and investigation.

2. An energy crisis study commission is created to consist of four members of the Senate and two citizens to be appointed by the President of the Senate, four members of the General Assembly and two citizens to be appointed by the Speaker of the General Assembly. No more than two Senators and two Assemblymen to be appointed to the commission shall be members of the same political party. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

3. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

4. It shall be the duty of the commission:

a. To study the energy crisis in New Jersey.

b. To ascertain the increased demands for energy which must be met.

c. To evaluate methods, types, locations and methods of acquisition of sites for facilities to meet increased demands for energy and replacement of obsolete facilities.

d. To investigate energy rate structures with an aim of changes therein; to study methods to conserve energy, reduce waste and encourage the development and use of more efficient energy use and to minimize increases in rates to small residential users.

e. To make economic and environmental impact studies and analysis in connection with the foregoing.

5. The commission shall be entitled to call to its assistance and avail itself of the services of such services of any Federal, State, county or municipal department, board, bureau, commission or agency as may reasonably be made available to it for said purpose, apply for and accept grants-in-aid and assistance from public and private sources to aid it in its studies, and to employ such professional consultants and stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

6. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the

Legislature and shall annually report its findings and recommendations to the Governor and the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is appropriated from the General Treasury for the purposes of this act the sum of \$25,000.00.

8. This act shall take effect immediately.

Approved June 20, 1973.

CHAPTER 185

AN ACT to provide for the review of certain facilities in the coastal area and making an appropriation therefor.

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

C. 13:19-1 Short title.

1. This act shall be known and may be cited as the "Coastal Area Facility Review Act."

C. 13:19-2 Declaration of policy.

2. The Legislature finds and declares that New Jersey's bays, harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline or partially saline streams and tributaries and their adjoining upland fastland drainage area nets, channels, estuaries, barrier beaches, near shore waters and intertidal areas together constitute an exceptional, unique, irreplaceable and delicately balanced physical, chemical and biologically acting and interacting natural environmental resource called the coastal area, that certain portions of the coastal area are now suffering serious adverse environmental effects resulting from existing facility activity impacts that would preclude or tend to preclude those multiple uses which support diversity and are in the best long-term, social, economic, aesthetic and recreational interests of all people of the State; and that, therefore, it is in the interest of the people of the State that all of the coastal area should be dedicated to those kinds of land uses which promote the public health, safety and welfare, protect public and private property, and are reasonably consistent and compatible with the natural laws governing the physical, chemical and biological environment of the coastal area.

It is further declared that the coastal area and the State will suffer continuing and ever-accelerating serious adverse economic, social and aesthetic effects unless the State assists, in accordance with the provisions of this act, in the assessment of impacts, stemming from the future location and kinds of facilities within the coastal area, on the delicately balanced environment of that area.

The Legislature further recognizes the legitimate economic aspirations of the inhabitants of the coastal area and wishes to encourage the development of compatible land uses in order to improve the overall economic position of the inhabitants of that area within the framework of a comprehensive environmental design strategy which preserves the most ecologically sensitive and fragile area from inappropriate development and provides adequate environmental safeguards for the construction of any facilities in the coastal area.

C. 13:19-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning, the following words shall have the following meanings:

a. "Commissioner" means the State Commissioner of Environmental Protection.

b. "Department" means the State Department of Environmental Protection.

c. "Facility" includes any of the facilities designed or utilized for the following purposes:

(1) Electric power generation—

Oil, gas, or coal fired or any combination thereof.

Nuclear facilities.

(2) Food and food byproducts—

Beer, whiskey and wine production.

Fish processing, including the production of fish meal and fish oil.

Slaughtering, blanching, cooking, curing, and pickling of meats and poultry.

Trimming, culling, juicing, and blanching of fruits and vegetables.

Animal matter rendering plants.

Operations directly related to the production of leather or furs such as, but not limited to, unhairing, soaking, deliming, baiting, and tanning.

Curing and pickling of fruits and vegetables.

Pasteurization, homogenization, condensation, and evaporation of milk and cream to produce cheeses, sour milk, and related products.

Coffee bean and cocoa bean roasting.

(3) Incineration wastes—

Municipal wastes (larger than or equal to 50 tons per day).

Automobile body (20 automobiles per hour or larger).

(4) Paper production—

Pulp mills.

Paper mills.

Paperboard mills.

Building paper mills.

Building board mills.

(5) Public facilities and housing—

Sanitary landfills.

Waste treatment plants (sanitary sewage).

Road, airport, or highway construction.

New housing developments of 25 or more dwelling units or equivalent.

Expansion of existing developments by the addition of 25 or more dwelling units or equivalent.

(6) Agri-chemical production—

Pesticides manufacture and formulation operations or either thereof.

Superphosphate animal feed supplement manufacture.

Production of normal superphosphate.

Production of triple superphosphate.

Production of diammonium phosphate.

(7) Inorganic acids and salts manufacture—

Hydrofluoric acid and common salts.

Hydrochloric acid and common salts.

Nitric acid and common salts.

Sulfuric acid and common salts.

Phosphoric acid and common salts.

Chromic acid, including chromate and dichromate salts.

(8) Mineral products—

Asphalt batching and roofing operations including the preparation of bituminous concrete and concrete.

Cement production, including Portland, natural, masonry, and pozzolan cements.

Coal cleaning.

Clay, clay mining, and fly-ash sintering.

Calcium carbide production.

Stone, rock, gravel, and sand quarrying and processing.

Frit and glass production.

Fiberglass production.

Slag, rock and glass wool production (mineral wool).

Lime production, including quarrying.

Gypsum production, including quarrying.

Perlite manufacturing, including quarrying.

Asbestos fiber production.

(9) Chemical processes—

Ammonia manufacture.

Chlorine manufacture.

Caustic soda production.

Carbon black and charcoal production, including channel, furnace, and thermal processes.

Varnish, paint, lacquer, enamel, organic solvent, and inorganic or organic pigment manufacturing or formulating.

Synthetic resins or plastics manufacture including, but not limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene, and polyvinylchloride.

Sodium carbonate manufacture.

Synthetic fibers production including, but not limited to, semi-synthetics such as viscose, rayon, and acetate, and true synthetics such as, but not limited to, nylon, orlon, and dacron, and the dyeing of these semi and true synthetics.

Synthetic rubber manufacture, including but not limited to, butadiene and styrene copolymers, and the reclamation of synthetic or natural rubbers.

The production of high and low explosives such as, but not limited to, TNT and nitrocellulose.

Soap and detergent manufacturing, including but not limited to, those synthetic detergents prepared from fatty alcohols or linear alkylate.

Elemental sulfur recovery plants not on the premises where petroleum refining occurs.

Used motor or other oil or related petroleum product reclamation operations.

Petroleum refining, including but not limited to, distillation, cracking, reforming, treating, blending, polymerization, isomerization, alkylation, and elemental sulfur recovery operations.

Organic dye and dye intermediate manufacturing.

Hydrogen cyanide or cyanide salts manufacture or use.

Glue manufacturing operations.

Manufacturing, fabricating, or processing medicinal and pharmaceutical products including the grading, grinding, or milling of botanicals.

(10) Storage—

Bulk storage, handling, and transfer facilities for crude oil, gas and finished petroleum products not on the premises where petroleum refining occurs.

Bulk storage, handling, transfer and manufacturing facilities of gas manufactured from inorganic and organic materials including coal gas, coke oven gas, water gas, producer, and oil gases.

(11) Metallurgical processes—

Production of aluminum oxide and aluminum metal and all common alloys, such as those with copper, magnesium, and silicon.

Production of titanium metal, salts, and oxides.

Metallurgical coke, petroleum coke, and byproduct coke manufacturing.

Copper, lead, zinc, and magnesium smelting and processing.

Ferroalloys manufacture such as, but not limited to, those combined with silicon, calcium, manganese and chrome.

Integrated steel and iron mill operations including, but not limited to, open hearth, basic oxygen, electric furnace, sinter plant, and rolling, drawing, and extruding operations.

Melting, smelting, refining, and alloying of scrap or other substances to produce brass and bronze ingots.

Gray iron foundry operations.

Steel foundry operations.

Beryllium metal or alloy production, including rolling, drawing and extruding operations.

Operations involving silver, arsenic, cadmium, copper, mercury, lead, nickel, chromium, and zinc including, but not limited to, production, recovery from scrap or salvage, alloy production, salt formation, electroplating, anodizing, and metallo-organics compound products preparation.

Stripping of oxides from and the cleaning of metals prior to plating, anodizing, or painting.

(12) Miscellaneous—

Operations involving the scouring, desizing, cleaning, bleaching, and dyeing of wool.

Wood preserving processes which use coal or petroleum based products such as, but not limited to, coal tars and/or creosotes.

Manufacture, use, or distillation of phenols, cresols, or coal tar materials.

Manufacture of lead acid storage batteries and/or storage batteries produced from other heavy metals, such as nickel or cadmium.

Installation of above or underground pipelines designed to transport petroleum, natural gas, and sanitary sewage.

Operations involving the dyeing, bleaching, coating, impregnating, or glazing of paper.

Dyeing, bleaching, and printing of textiles other than wool. Chemical finishing for water repelling, fire resistance, and mildew proofing, including preshrinking, coating and impregnating.

Sawmill and planing mill operations.

Marine terminal and cargo handling facilities.

d. "Person" means and shall include corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals and governmental agencies.

e. "Governmental agencies" means the Government of the United States, the State of New Jersey, or any other states, their political subdivisions, agencies, or instrumentalities thereof, and interstate agencies.

C. 13:19-4 "Coastal area" defined.

4. The "coastal area" shall consist of all that certain area lying between the line as hereinafter described and the line formed by the State's seaward (Raritan Bay and Atlantic ocean) territorial jurisdiction on the east thereof, the State's bayward (Delaware Bay) territorial jurisdiction on the south and southwest thereof, and the State's riverward (Delaware River) territorial jurisdiction on the west thereto. Beginning at the confluence of Cheesequake Creek with the Raritan Bay; thence southwesterly along the center line of Cheesequake Creek to its intersection with the Garden State Parkway; thence southeasterly along the Garden State Parkway to Exit 117 at State Highway 36; thence northeasterly along State Highway 36 to the intersection of Middle Road (County 516); thence easterly along Middle Road to the intersection of Palmer Avenue (County 7); thence northeasterly on Main Street to the intersection of State Highway 36; thence easterly on State Highway 36 to the intersection of Navesink Avenue; thence southerly on Navesink Avenue to the intersection of Monmouth Avenue at Navesink; thence westerly on Monmouth Avenue to its intersection with Browns Dock Road; thence southerly on Browns Dock

Road to its intersection with Cooper Road; thence southwesterly on Cooper Road to the intersection of State Highway 35; thence southerly on State Highway 35 to its intersection with State Highway 71; thence southeasterly on State Highway 71 to its crossing of the Central Railroad of New Jersey tracks; thence southerly along the Central Railroad of New Jersey tracks to its intersection of 6th Avenue (County 2); thence westerly on 6th Avenue (County 2) to the intersection of State Highway 33; thence westerly along State Highway 33 to the crossing of State Highway 18; thence southerly on State Highway 18 to its intersection of Marconi Road; thence southeasterly on Marconi Road to Adrienne Road, continuing south on Adrienne Road to Belmar Boulevard; thence easterly on Belmar Boulevard and 16th Avenue to the intersection of State Highway 71; thence southerly on State Highway 71 to the intersection of State Highway 35; thence northwesterly along State Highway 35 to State Highway 34 at the Brielle Circle; thence northwesterly along State Highway 34 to the Garden State Parkway at Exit 96; thence southwesterly along the Garden State Parkway to the intersection of the Monmouth, Ocean County boundary; thence westerly along said boundary to the intersection of the Central Railroad of New Jersey tracks; thence southwesterly along the tracks of the Central Railroad of New Jersey to its junction with the tracks of the Pennsylvania Railroad near Whiting; thence easterly along the tracks of the Pennsylvania Railroad to its intersection with the Garden State Parkway near South Toms River; thence southerly along the Garden State Parkway to its intersection with County Road 539 at Garden State Parkway exit 58; thence northerly along County Road 539 to its intersection with Martha-Stafford Forge Road; thence westerly along Martha-Stafford Forge Road to its intersection with Spur 563; thence northerly along Spur 563 to its intersection with County Road 563; thence southerly along County Road 563 to its intersection with County Road 542 at Green Bank; thence northwesterly along County Road 542 to its intersection with Weekstown-Pleasant Mills Road; thence southeasterly along Weekstown-Pleasant Mills Road to its intersection with County Road 563 at Weekstown; thence southeasterly along County Road 563 to its intersection with Clarks Landing Road leading to Port Republic; thence easterly along Clarks Landing Road to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Alt. 559, and thence northwesterly along Alt. 559 to its intersection with County Road 559 at Gravelly Run; thence

northwesterly along County Road 559 to its intersection with U. S. 40 and S. R. 50 at Mays Landing; thence westerly along combined U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence southerly on S. R. 50 to its intersection with Buck Hill Road near Buck Hill; thence westerly along Buck Hill (River Road) Road to its intersection with S. R. 49; thence southeasterly along S. R. 49 to its intersection with S. R. 50; thence southeasterly along S. R. 50 to its intersection with County Road 585; thence southwesterly along County Road 585 to its intersection with S. R. 47 at Dennisville; thence northwesterly along S. R. 47 to its intersection with State Road 49 at Millville; thence through Millville along State Road 49 to its intersection with County Road 555; thence southerly along County Road 555 to its intersection with County Road 27; thence southerly along County Road 27 to its intersection with County Road 70; thence southerly on County Road 70 to the Center of Mauricetown; thence through Mauricetown westerly on County Road 548 to its intersection with the tracks of the Central Railroad of New Jersey; thence northwesterly on the tracks of the Central Railroad of New Jersey to its intersection with County Road 98; thence easterly along County Road 98 to the intersection with County Road 38; thence northerly along County Road 38 to its intersection with S. R. 49 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton to its intersection with County Road 5 (Roadstown Road); thence westerly along County Road 5 (Roadstown Road) to Roadstown; thence northwesterly along the Roadstown Road to County Road 47; thence southwesterly along County Road 47 to its intersection with County Road 19; thence along County Road 19 northwesterly to Gum Tree Corner; thence northwesterly along County Road 19 from Gum Tree Corner across Stowe Creek to its intersection with Salem County Road 59 (Hancock's Bridge Road); thence northwesterly along County Road 59 to its intersection with County Road 51 at Coopers Branch; thence northeasterly along County Road 51 to its intersection with S. R. 49 at Quinton; thence northwesterly along S. R. 49 to its intersection with County Road 50; thence southwesterly along County Road 50 to its intersection with County Road 58; thence southerly on County Road 58 to its intersection with County Road 24; thence westerly along County Road 24 to its intersection with County Road 65; thence northerly along County Road 65 (Walnut Street) to its intersection with County Road 4; thence westerly along County Road 4 and northerly along

County Road 4 and thence easterly along County Road 4 to its intersection with State Road 49; thence northerly along State Road 49 (Front Street) to its intersection with County Road 57; thence easterly along County Road 57 to its intersection with State Road 45; thence northerly along State Road 45 to its intersection with County Road 540 at Pointers; thence northerly and northwesterly along County Road 540 (Deepwater-Slapes Corner Road) to its intersection with the New Jersey Turnpike; thence westerly along the New Jersey Turnpike to its intersection with County Road 33; thence southerly along County Road 33 to its intersection with State Road 49; thence southeasterly along S. R. 49 to its intersection with County Road 26; thence northwesterly along County Road 26 to the Killcohook National Wildlife Refuge; thence northwesterly along this northeasterly boundary to the limits of the State's territorial jurisdiction on the Delaware River; provided, however, that the coastal area shall not include all that certain area in Cape May County lying within a line beginning at the intersection of S. R. 47 and County Road 54; thence westerly on County Road 54; to the intersection of County Road 3; thence southeasterly on County Road 3 through the intersection of County Road 3 with County Road 13 to the intersection with County Road 47; thence easterly and northerly along County Road 47 to its intersection with State Road 9; thence northerly along State Road 9 to its intersection with State Road 47; thence westerly along State Road 47 to its intersection with County Road 54.

C. 13:19-5 Permit to construct facility.

5. No person shall construct or cause to be constructed a facility in the coastal area until he has applied for and received a permit issued by the commissioner; however, the provisions of this act shall not apply to facilities for which on-site construction, including site preparation, was in process on or prior to the effective date of this act.

C. 13:19-6 Application for permit.

6. Any person proposing to construct or cause to be constructed a facility in the coastal area shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. The application shall include an environmental impact statement as described in this act.

C. 13:19-7 Contents of environmental impact statement.

7. The environmental impact statement shall provide the information needed to evaluate the effects of a proposed project upon the environment of the coastal area.

The statement shall include:

- a. An inventory of existing environmental conditions at the project site and in the surrounding region which shall describe air quality, water quality, water supply, hydrology, geology, soils, topography, vegetation, wildlife, aquatic organisms, ecology, demography, land use, aesthetics, history, and archeology; for housing, the inventory shall describe water quality, water supply, hydrology, geology, soils and topography;
- b. A project description which shall specify what is to be done and how it is to be done, during construction and operation;
- c. A listing of all licenses, permits or other approvals as required by law and the status of each;
- d. An assessment of the probable impact of the project upon all topics described in a.;
- e. A listing of adverse environmental impacts which cannot be avoided;
- f. Steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region;
- g. Alternatives to all or any part of the project with reasons for their acceptability or nonacceptability;
- h. A reference list of pertinent published information relating to the project, the project site, and the surrounding region.

C. 13:19-8 Declaration of completeness of application.

8. a. Within 30 days following receipt of an application, the commissioner shall notify the applicant in writing regarding its completeness. The commissioner may declare the application to be complete for filing or may notify the applicant of specific deficiencies. The commissioner, within 15 days following the receipt of additional information to correct deficiencies, shall notify the applicant of the completeness of the amended application. The application shall not be considered to be filed until it has been declared complete by the commissioner.

b. The commissioner, within 15 days of declaring the application complete for filing, shall set a date for the hearing. The date for the hearing shall be set not later than 60 days after the application is declared complete for filing.

C. 13:19-9 Hearing.

9. a. The commissioner, or a member of the department designated by him, shall hold a hearing to afford interested parties standing and the opportunity to present, orally or in writing, both their

position concerning the application and any data they may have developed in reference to the environmental effects of the proposed facility.

b. The commissioner, within 15 days after the hearing, may require an applicant to submit any additional information necessary for the complete review of the application.

C. 13:19-10 Review of applications; required findings.

10. The commissioner shall review filed applications, including the environmental impact statement and all information presented at public hearings. He shall issue a permit only if he finds that the proposed facility:

a. Conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards.

b. Prevents air emissions and water effluents in excess of the existing dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.

c. Provides for the handling and disposal of litter, trash, and refuse in such a manner as to minimize adverse environmental effects and the threat to the public health, safety, and welfare.

d. Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.

e. Would cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.

f. Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare.

g. Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing scenic and aesthetic attributes at the site and within the surrounding region.

C. 13:19-11 Grounds for denial of permit application; conditional permit; approval of nuclear electricity generating facility.

11. Notwithstanding the applicant's compliance with the criteria listed in section 10 of this act, if the commissioner finds that the proposed facility would violate or tend to violate the purpose and intent of this act as specified in section 2, or if the commissioner finds that the proposed facility would materially contribute

to an already serious and unacceptable level of environmental degradation or resource exhaustion, he may deny the permit application, or he may issue a permit subject to such conditions as he finds reasonably necessary to promote the public health, safety and welfare, to protect public and private property, wildlife and marine fisheries, and to preserve, protect and enhance the natural environment. In addition, the construction and operation of a nuclear electricity generating facility shall not be approved by the commissioner unless he shall find that the proposed method for disposal of radioactive waste material to be produced or generated by such facility will be safe, conforms to standards established by the Atomic Energy Commission and will effectively remove danger to life and the environment from such waste material.

C. 13:19-12 Notification to applicant.

12. The commissioner shall notify the applicant within 60 days after the hearing as to the granting or denial of a permit. The reasons for granting or denying the permit shall be stated. In the event the commissioner requires additional information as provided for in section 9, he shall notify the applicant of his decision within 90 days following the receipt of the information.

C. 13:19-13 Coastal Area Review Board; creation, membership, voting, powers.

13. There is hereby created the Coastal Area Review Board, in but not of the Department of Environmental Protection, which shall consist of three voting members who shall be the Commissioner of Environmental Protection or his designated representative, the Commissioner of Labor and Industry or his designated representative and the Commissioner of Community Affairs or his designated representative. No vote on a permit request shall be taken unless all voting members are present.

The Coastal Area Review Board shall have the power to hear appeals from decisions of the commissioner pursuant to section 12. The board may affirm or reverse the decision of the commissioner with respect to applicability of any provision of this act to a proposed use; it may modify any permit granted by the commissioner, grant a permit denied by him, deny a permit granted by him, or confirm his grant of a permit. The board shall review filed applications, including the environmental impact statement and all information presented at public hearings and any other information the commissioner makes available to the board prior to the affirmation or reversal of a decision of the commissioner.

C. 13:19-14 Continuance in force of issued permit.

14. In the event of rental, lease, sale or other conveyances by an applicant to whom a permit is issued, such permit, with any conditions, shall be continued in force and shall apply to the new tenant, lessee, owner, or assignee so long as there is no change in the nature of the facility set forth in the original application.

C. 13:19-15 Effect of denial of application.

15. The denial of an application shall in no way adversely affect the future submittal of a new application.

C. 13:19-16 Environmental inventory; alternate environmental management strategies; environmental design for coastal area.

16. The commissioner shall, within 2 years of the taking effect of this act, prepare an environmental inventory of the environmental resources of the coastal area and of the existing facilities and land use developments within the coastal area and an estimate of the capability of the various area within the coastal area to absorb and react to man-made stresses. The commissioner shall, within 3 years of the taking effect of this act, develop from this environmental inventory alternate long-term environmental management strategies which take into account the paramount need for preserving environmental values and the legitimate need for economic and residential growth within the coastal area. The commissioner shall, within 4 years of the taking effect of this act, select from the alternate environmental management strategies an environmental design for the coastal area. The environmental design shall be the approved environmental management strategy for the coastal area and shall include a delineation of various areas appropriate for the development of residential and industrial facilities of various types, depending on the sensitivity and fragility of the adjacent environment to the existence of such facilities. The environmental inventory, the alternate long-term environmental management strategies and the environmental design for the coastal area shall be presented to the Governor and the Legislature within the time frame indicated herein.

C. 13:19-17 Rules and regulations.

17. The department is hereby authorized to adopt, amend and repeal rules and regulations to effectuate the purposes of this act.

C. 13:19-18 Injunctive relief; penalties.

18. If any person violates any of the provisions of this act, rule, regulation or order promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in

the Superior Court for injunctive relief to prohibit and prevent such violation or violations and said court may proceed in a summary manner. Any person who violates any of the provisions of this act, rule, regulation or order promulgated or issued pursuant to this act shall be liable to a penalty of not more than \$3,000.00 to be collected in a summary proceeding or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under the circumstances.

C. 13:19-19 Applicability of act.

19. The provisions of this act shall not be regarded as to be in derogation of any powers now existing and shall be regarded as supplemental and in addition to powers conferred by other laws, including municipal zoning authority. The provisions of this act shall not apply to those portions of the coastal areas regulated pursuant to enforceable orders under the Wetlands Act, C. 13:9A-1 et seq., section 16 however shall apply to the entire area within the boundaries described herein.

C. 13:19-20 Construction of act.

20. This act shall be liberally construed to effectuate the purpose and intent thereof.

C. 13:19-21 Partial invalidity.

21. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

22. There is hereby appropriated to the Department of Environmental Protection for the purposes of this act the sum of \$100,000.00.

23. This act shall take effect 90 days from the date of enactment, except that section 22 shall take effect immediately.

Approved June 20, 1973.

CHAPTER 186

AN ACT concerning the date on which motor vehicles must conform to certain air pollution standards and supplementing P. L. 1966, c. 16 (C. 26:2C-8.1 et seq.).

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

1. Noncompliance with the standards set out in section 7:27-15.4 (b) of the New Jersey Administrative Code by any motor vehicle prior to February 1, 1974, shall not be cause for rejection or reinspection under the provisions of R. S. 39:8-1 et seq.

2. This act shall take effect immediately.

Approved June 22, 1973.

CHAPTER 187

AN ACT concerning the practice of medicine and surgery, and amending R. S. 45:9-1 and R. S. 45:9-5.

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

1. R. S. 45:9-1 is amended to read as follows:

State Board of Medical Examiners; membership, qualifications, appointment, terms, oath, duties of chiropractors, advisory committee.

45:9-1. The State Board of Medical Examiners, hereinafter in this chapter designated as the "board" shall consist of 15 members, one of whom shall be a public member and one an executive department designee as required pursuant to section 2 of P. L. 1971, c. 60 (C. 45:1-2.2), and 13 of whom shall be persons of recognized professional ability and honor, and shall possess a license to practice their respective professions in New Jersey, and all of whom shall be appointed by the Governor in accordance with the provisions of section 2 of P. L. 1971, c. 60 (C. 45:1-2.2); provided, however, that said board shall consist of nine graduates of schools of medicine who shall possess the degree of M.D., and in addition the member-

ship of said board shall comprise one osteopath, one chiropractor, one podiatrist and one licensed bio-analytical laboratory director, who may or may not be the holder of a degree of M.D. The term of office of members of the board hereafter appointed shall be 3 years or until their successors are appointed. Said appointees shall, within 30 days after receipt of their respective commissions, take and subscribe the oath or affirmation prescribed by law and file the same in the office of the Secretary of State.

The Governor shall appoint two chiropractors who are licensed to practice chiropractic in the State of New Jersey to serve for a term of 3 years each and until their successors are appointed and qualify, who shall be available to assist the board in the administration of sections 4, 5, 6, 7, 8, 9, 12, 15 and 16 of P. L. 1953, c. 233, which act supplements chapter 9 of Title 45 of the Revised Statutes, and contains this amendment to this section. Within the limits of available appropriations therefor each such chiropractor shall be paid a fee of \$10.00 for each applicant assigned to him for examination and when designated and authorized by the board to do business on behalf of the board outside of the State shall receive \$50.00 per day and when performing authorized official duties in or out of the State shall be reimbursed for all proper expenses incurred in the performance of such duties.

The Governor shall also appoint an advisory committee to consist of four licensed bio-analytical laboratory directors, only two of whom shall possess the degree of M.D., and who shall be appointed from a list to be submitted by the society or organization of which the persons nominated are members. The members of this advisory committee shall serve for a term of 3 years and until their successors are appointed and qualified, and shall be available to assist the board in the administration of the Bio-analytical Laboratory and Laboratory Director's Act. The advisory committee shall meet at the call of the board. The board may authorize reimbursement of the members of the advisory committee for their actual expenses incurred in connection with the performance of their duties as members of the committee.

2. R. S. 45:9-5 is amended to read as follows:

Meetings; salaries; official register.

45:9-5. The board shall hold meetings once a month, and shall hold meetings for examinations on the third Tuesday of June and October of each year, which shall be held at the capitol of this State and at such other times and places as it may deem expedient.

The secretary of the board shall receive an annual salary as provided by section 45:1-4 of this Title, and each member thereof, including said secretary shall receive the sum of \$250.00 for each regular examination so held, which sum shall be paid from the receipts of the board before any unused balances are paid over to the State Treasurer; but if an appropriation is made for the expenses of the board such sums shall be paid from such appropriation. The board shall keep an official record of all its meetings and an official register of all applicants for a license to practice medicine and surgery in this State. The register shall show the name, age, nativity, last and intended place of residence of each applicant, the time he has spent in obtaining a competent academic and professional education as hereinafter provided, and the names and location of all professional schools or colleges, or examining and licensing boards which have granted the applicant any degree or certificate of attendance upon lectures upon medicine and surgery or State examinations. The register shall also show whether the applicant was licensed or rejected under this article; if licensed, whether the applicant was examined or licensed without examination, and the register shall be prima facie evidence of all matters therein contained.

3. This act shall take effect immediately.

Approved June 26, 1973.

CHAPTER 188

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1974 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1973-74

Surplus

Estimated balance, July 1, 1973	\$115,740,842
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Major Taxes and Licenses

Sales tax	\$723,000,000
Motor fuels tax	278,000,000
Miscellaneous corporation tax—net income	133,000,000
Miscellaneous corporation tax—net worth	61,000,000
Foreign insurance corporation tax	43,800,000
Domestic life insurance corporation tax	1,200,000
Motor vehicle fees, et cetera	157,200,000
Motor carriers road tax	4,200,000
Cigarette tax	173,000,000
Transfer inheritance tax	75,000,000
Alcoholic beverage tax	58,700,000
Pari-mutuel tax	37,000,000
Public utility tax	29,000,000
Bank stock tax	9,000,000
Financial business tax—State share	2,200,000
Savings institution tax	2,400,000
Total, Major Taxes and Licenses	\$1,787,700,000

Miscellaneous Taxes, Licenses and Other Departmental Revenue

Department of Law and Public Safety:	
Motor Vehicle Security-Responsibility Law	
Administration	\$1,936,974
Beverage licenses	2,000,000
Division of Consumer Affairs, general revenues	1,651,830
Professional examining boards fees	1,527,981
Amusement games control fees	103,025
Division of State Police—miscellaneous receipts	200,000
Bus excise tax	275,000
Division of Motor Vehicles—miscellaneous receipts	1,000
Department of the Treasury:	
Investment earnings	10,000,000
Interest on deposits	1,000,000
Escheats, personal property (14-year law)	170,000
Public utility tax administration	85,000
Pensions and social security administration	2,750,000
Pension contributions from special fund sources	4,475,000
Public employers contribution reimbursement	2,200,000

Social security contributions from special fund sources	3,375,000
Rutgers, The State University—fringe benefit reimbursement	1,000,000
Health benefits contributions from special fund sources	1,500,000
Rent of State building space	600,000
Railroad taxes—franchise	50,000
Division of Tax Appeals—fees	70,000
Federal aid: Unemployment Benefits Section ..	113,576
Federal aid: Indirect Cost Recovery Program ..	405,000
Department of State:	
General revenue—fees	4,600,000
Uniform commercial codes—fees	650,000
Commissions	250,000
Department of Banking:	
Examining and other fees	1,900,000
Department of Insurance:	
Examining and other fees	2,400,000
Real Estate Commission	1,350,000
Department of Agriculture:	
General fees	100,000
Milk Control licenses and fees	250,000
Fertilizer inspection and other fees	175,000
Department of Defense:	
Armory rentals	40,000
Federal aid: general	65,000
Federal aid: Civil Defense	365,000
Department of Public Utilities:	
General revenue—fees	3,066,000
Department of Health:	
General fees	525,000
Rabies Control licenses	204,393
Department of Labor and Industry:	
General revenues, licenses, fees, et cetera	1,083,700
Second Injury Workmen's Compensation insurance tax	294,567
Federal aid: Vocational rehabilitation	12,793,093

Department of Environmental Protection:

Air Pollution Control	270,000
Water Pollution Control fees	20,000
Bureau of Radiation Protection	264,000
State Sewerage Facilities Fund	1,090,000
Hunters' and Anglers' licenses	2,830,493
Federal aid: Public Hunting and Fishing Grounds	330,000
Bureau of Parks	1,550,000
Bureau of Forestry	14,750
Federal aid: forest nursery, farm forestry, forest fires and pest control	392,000
Bureau of Navigation—Motor Boat Numbering Act	756,820
Bureau of Navigation—other fees	412,000
Federal aid: air pollution	1,965,000
Federal aid: water pollution	608,000
Pilot Commissioners' receipts	40,400
Excess water diversion fees	302,000
Well drillers' licenses and permits	27,000
Delaware and Raritan Canal—rentals and sales	594,000
Round Valley-Spruce Run—sale of water	560,100
Shell Fisheries—licenses and fees	160,000
Morris Canal fund receipts	60,000

Department of Education:

Academic certificate fees	23,000
Marie H. Katzenbach School for the Deaf—board and fees	12,550
State Board of Examiners—fees	500,000
Miscellaneous licensing fees	28,000
Federal aid: Smith-Hughes, George-Barden funds	200,000

Department of Higher Education:

State Colleges—

Glassboro:

Tuition—regular	4,753,500
Miscellaneous	30,000
Auxiliary services income	1,105,640
Summer program tuition and fees	616,350
Other student fees	234,612

Jersey City:

Tuition—regular	3,976,500
Miscellaneous	12,000
Auxiliary services income	128,000
Summer program tuition and fees	373,000
Other student fees	145,020

Newark:

Tuition—regular	5,455,390
Miscellaneous	33,000
Auxiliary services income	600,000
Summer program tuition and fees	498,210
Other student fees	205,000

William Paterson:

Tuition—regular	4,792,400
Miscellaneous	18,300
Auxiliary services income	387,698
Summer program tuition and fees	390,000
Other student fees	163,100

Montclair:

Tuition—regular	6,908,980
School of Conservation	230,551
Miscellaneous	22,000
Auxiliary services income	364,800
Summer program tuition and fees	960,560
Home Economics program (Federal)	15,000
Other student fees	252,664

Trenton:

Tuition—regular	4,665,200
Miscellaneous	17,500
Auxiliary services income	2,510,980
Summer program tuition and fees	581,750
Other student fees	273,752

Ramapo:

Tuition—regular	1,352,475
Miscellaneous	1,025
Auxiliary services income	133,000
Summer program tuition and fees	112,000
Other student fees	47,800

Richard Stockton:	
Tuition—regular	1,358,500
Miscellaneous	12,000
Auxiliary services income	163,662
Summer program tuition and fees	122,000
Other student fees	40,000
Agricultural Experiment Station—fees	15,000
Department of Transportation:	
Outdoor advertising	250,000
Division of Aeronautics fees	85,000
Miscellaneous receipts	375,000
Department of Institutions and Agencies:	
Board of patients and other income	62,500,000
Community Mental Health Center—patient in-	
come	182,000
Adoption law fees	170,000
Division of Mental Retardation	950,000
Federal aid: soldiers' homes	875,000
Federal aid: Bureau of Children's Services:	
Child welfare services	1,215,564
In lieu of ADC	11,660,091
Federal aid: administration of Division of Public	
Welfare and central office	7,707,000
Federal aid: administration of blind	3,080,000
Federal aid: mental health services	106,000
Federal aid: medical assistance—administration	7,726,458
Department of Community Affairs:	
Division of Housing and Urban Renewal—fees ..	1,700,000
Division of Local Finance—fees	82,770
Delaware River Joint Toll Bridge Commission:	
Pennsylvania's share	366,091
Rentals and miscellaneous income	1,400
Judiciary:	
Court fees	7,148,000
Unclassified:	
Miscellaneous revenues	750,000
Total, Miscellaneous Taxes, Licenses and	
Other Departmental Revenues	\$229,620,545

Interfund Transfers

Unclaimed Bank Deposits Escheat Fund	\$75,000
Unclaimed Life Insurance Escheat Fund	95,000
Unclaimed Personal Property Trust Fund	350,000
School Fund—income	1,761,200
1837 Surplus Revenue Fund—income	36,000
State Higher Education Buildings Construction Fund (Act of 1971)	800,000
Public Buildings Construction Fund	1,050,000
Unsatisfied Claim and Judgment Fund	1,042,628
State Recreation and Conservation Land Acquisi- tion Fund (Act of 1971)	1,000,000
State Recreation and Conservation Land Acquisi- tion Fund	10,000
Water Conservation Fund	400,000
State Water Development Fund	5,000
State Transportation Fund	1,000,000
State 1964 Institution Construction Fund	5,000
Housing Assistance Fund	100,000
State Disability Benefits Fund	4,246,771
Interest on deposits (trust funds)	135,000
Motor Vehicle Security-Responsibility Fund	80,000
Outstanding checks account	13,750
General Revenue Sharing Fund	145,762,923
Earnings on General Revenue Sharing Fund	2,904,917
State Lottery Fund	69,499,845
State Lottery Fund—Administration	4,691,367
Transportation Fund (Emergency Transportation Tax)	26,500,000
Transportation Benefits Fund	17,075,000
Total Interfund Transfers	<u>\$278,639,401</u>
Total Resources	<u><u>\$2,411,700,788</u></u>

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

1. The appropriations herein made or so much thereof as may be necessary are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be ap-

plicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1974. The appropriations herein made shall be available during said fiscal year and for a period of 1 month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said 1 month period, all unexpended balances shall lapse into the State Treasury or to the credit of dedicated or non-State funds as applicable, except those balances held by contracts on file as of June 30, 1974 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1974 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by September 30, 1974. Nothing in this section or in this act contained shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years.

LEGISLATURE

001-100. *Senate*

Senators (40)	(\$403,334)	
Members' staff services	(400,000)	
Officers and employees	(325,000)	
Salaries		\$1,128,334
Materials and Supplies		187,600
Services Other Than Personal		359,000
Maintenance of Property:		
Recurring		8,500
Extraordinary:		
Compensation awards		3,120
Additions and Improvements		20,000
Sub-Total Appropriation		<u>\$1,706,554</u>

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

002-100. *General Assembly*

Assemblymen (80)	(\$803,334)	
Members' staff services	(800,000)	
Officers and employees	(245,000)	
Salaries		\$1,848,334
Materials and Supplies		242,200
Services Other Than Personal		524,500
Maintenance of Property:		
Recurring		9,700
Additions and Improvements		20,000
Sub-Total Appropriation		<u>\$2,644,734</u>
The unexpended balance as of June 30, 1973 in this account is hereby appropriated.		
Total Appropriation, Legislature		<u><u>\$4,351,288</u></u>

003-100. LEGISLATIVE SERVICES AGENCY

Officers and employees	(\$866,121)	
Salaries		\$866,121
Materials and Supplies		41,300
Services Other Than Personal		77,000
Maintenance of Property:		
Recurring		4,000
Non-Recurring and Replacements		1,000
Extraordinary:		
Computer statutory research		23,550
Additions and Improvements		10,000
Total Appropriation, Legislative Services Agency		<u><u>\$1,022,971</u></u>

The unexpended balance, not to exceed \$100,000, as of June 30, 1973 in this account is hereby appropriated.

OFFICE OF FISCAL AFFAIRS

004-101. *Administration*

Officers and employees	(\$142,100)	
New position	(5,552)	
Salaries		\$147,652
Materials and Supplies		1,500
Services Other Than Personal		4,100
Maintenance of Property:		
Recurring		750
Extraordinary:		
Special professional services		10,000
Additions and Improvements		1,500
Sub-Total Appropriation		<hr/> \$165,502 <hr/>

004-102. *Division of State Auditing*

State Auditor	(\$21,250)	
Officers and employees	(779,757)	
New Positions	(15,780)*	
Salaries		\$816,787*
Materials and Supplies		1,000
Services Other Than Personal		46,900
Maintenance of Property:		
Recurring		1,700
Non-Recurring and Replacements		800
Extraordinary:		
Special professional services		70,000
Additions and Improvements		1,500
Sub-Total Appropriation		<hr/> \$938,687* <hr/>

004-103. *Division of Budget Review*

Officers and employees	(\$142,156)	
New positions	(31,627)*	
Salaries		\$173,783*
Materials and Supplies		1,000
Services Other Than Personal		6,250

Maintenance of Property:	
Recurring	750
Extraordinary:	
Special Professional Services	5,000
Additions and Improvements	2,500
	<hr/>
Sub-Total Appropriation	\$189,283*
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004-104. *Division of Operational Services*

Officers and employees	(\$39,234)	
New positions	(52,634)	
Salaries		\$91,868
Materials and Supplies		28,635
Services Other Than Personal		24,400
Maintenance of Property:		
Recurring		250
Extraordinary:		
Special professional services		15,000
Additions and Improvements		500
		<hr/>
Sub-Total Appropriation		\$160,653
		<hr/>

004-105. *Division of Program Analysis*

Officers and employees	(\$109,525)	
New positions	(89,574)	
Salaries		\$199,099
Materials and Supplies		1,000
Services Other Than Personal		11,250
Maintenance of Property:		
Recurring		500
Extraordinary:		
Special professional services		25,000
Additions and Improvements		2,500
		<hr/>
Sub-Total Appropriation		\$239,349
		<hr/>
Total Appropriation, Office of Fiscal Affairs		\$1,693,474*
		<hr/>

MISCELLANEOUS LEGISLATIVE COMMISSIONS

010-100. *Intergovernmental Relations Commission*

Officers and employees	(\$600)	
Salaries		\$600
Materials and Supplies		180
Services Other Than Personal		7,730
Extraordinary:		
Commitments to Interstate Agencies:		
The Council of State Governments		48,550
Atlantic States Marine Fisheries Commission		3,300
National Conference of Commissioners on Uniform State Laws		4,300
Education Commission of the States		16,500
National Governors' Conference		11,500
Advisory Commission on Intergovernmental Relations		1,000
National Society of State Legislators		2,500
Total Appropriation		<u>\$96,160</u>

013-100. *Commission to Study Autonomous Authorities*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

014-100. *Criminal Law Revision Commission*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

015-100. *Off-Track Betting Study Commission*

Extraordinary:

Expenses of the Commission, pursuant to P.L. 1972, c. 8	\$60,000
Total Appropriation	<u>\$60,000</u>

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

New Jersey State Library

018-100. *State Commission of Investigation*

Extraordinary:

Expenses of the Commission	\$700,000
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Total Appropriation	\$700,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

019-100. *Commission on Open Space Policy*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

023-100. *Corporation Law Revision Commission*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

028-100. *Uniform Consumer Credit Code Study Commission*

Extraordinary:

Expenses of the Commission	\$10,000
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Total Appropriation	\$10,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

031-100. *Family Court Study Commission*

Extraordinary:

Expenses of the Commission	\$10,000
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Total Appropriation	\$10,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

032-100. *Election Law Revision Commission*

Extraordinary:

Expenses of the Commission	\$25,000
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Total Appropriation	\$25,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

033-100. *Permanent Commission on State School Support*

Extraordinary:

Expenses of the Commission	\$42,000
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Total Appropriation	\$42,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

039-100. *County and Municipal Government Study Commission*

Extraordinary:

Expenses of the Commission	\$100,000
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Total Appropriation	\$100,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

047-100. *Rules of Court Review Commission*

Extraordinary:

Expenses of the Commission	\$25,000
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Total Appropriation	\$25,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Miscellaneous Legislative Commissions	\$1,068,160
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080-100. CHIEF EXECUTIVE'S OFFICE

Governor	(\$50,000)
Secretary to the Governor	(25,000)
Officers and employees	(408,090)
Salaries	\$483,090
Materials and Supplies	24,000
Services Other Than Personal	61,000

Maintenance of Property:

Recurring	1,500
Non-Recurring and Replacements	2,000

Extraordinary:

For expenditure by the Governor of funds not otherwise appropriated, including official reception on behalf of the State, incidental expenses, and operation of an official residence	35,000
Governor's Annual Art Purchase Award	5,000
To match Federal planning grants under the Federal Omnibus Crime Control and Safe Streets Act—State share	100,000

Total Appropriation, Chief Executive's Office	<u>\$711,590</u>
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

100-100. *Office of the Attorney General*

Attorney General	(\$40,000)	
Officers and employees	(194,397)	
Position transferred from another Division	(6,594)	
Salaries		\$240,991
Materials and Supplies		500
Services Other Than Personal		14,625
Maintenance of Property:		
Recurring		130
Extraordinary:		
Compensation awards		2,340
Legislative agents disclosure act—publication ...		2,500
Total Appropriation, Office of the Attorney General		<u>\$261,086</u>

The unexpended balance as of June 30, 1973 in the account Study of Governmental Immunity Laws,

pursuant to C.52:17B-4.1 et seq., is hereby appropriated.

The unexpended balance as of June 30, 1973 in the account Executive Commission on Ethical Standards, pursuant to C.52:13D-12 et seq., is hereby appropriated.

100-400. *Veterans' Loan Authority*

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund, established pursuant to C.38:23B-1, such sums as may be necessary to pay for the administration thereof.

103-100. *Division of Systems and Communications*

Officers and employees	(\$1,322,646)	
New positions	(156,678)	
Salaries		\$1,479,324
Materials and Supplies		46,180
Services Other Than Personal		257,791
Maintenance of Property:		
Recurring		101,980
Non-Recurring and Replacements		800
Additions and Improvements		5,000
Total Appropriation, Division of Systems and Communications		<hr/> \$1,891,075 <hr/>

Division of Criminal Justice

105-102. *General*

Officers and employees	(\$1,272,867)	
New positions	(53,009)	
Salaries		\$1,325,876
Materials and Supplies		35,000
Services Other Than Personal		180,750
Maintenance of Property:		
Recurring		2,500

Extraordinary:

Amendment to State Grand Jury Act, pursuant to P.L. 1972, c. 178	500,000
Additions and Improvements	29,478
Sub-Total Appropriation	<u>\$2,073,604</u>

The unexpended balance as of June 30, 1973 in the revolving fund established under the New Jersey Antitrust Act, C.56:9-1 et seq., is hereby appropriated for the administration of the Act; provided, however, that any expenditures therefrom or any income to be credited thereto shall be subject to the approval of the Director of the Division of Budget and Accounting.

105-106. Police Training Commission

Officers and employees	(\$279,441)
Salaries	\$279,441
Materials and Supplies	10,325
Services Other Than Personal	17,991
Maintenance of Property:	
Recurring	2,850
Non-Recurring and Replacements	4,622
Extraordinary:	
Scholarships, pursuant to C.52:17B-71.2 et seq...	50,000
Additions and Improvements	825
Sub-Total Appropriation	<u>\$366,054</u>

The unexpended balances as of June 30, 1973 in the Scholarships and Local Police Agencies Assistance accounts are hereby appropriated for the same purposes.

105-108. Office of the State Medical Examiner

Officers and employees	(\$251,745)
New positions	(12,727)
Salaries	\$264,472
Materials and Supplies	41,350
Services Other Than Personal	29,968

Maintenance of Property:	
Recurring	3,300
Non-Recurring and Replacements	2,600
Additions and Improvements	1,200
	<hr/>
Sub-Total Appropriation	\$342,890
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Total Appropriation, Division of Criminal Justice	\$2,782,548
	<hr/> <hr/>

110-100. *Division of Law*

Officers and employees	(\$1,843,781)	
New positions	(88,728)	
Positions established from lump sum appropriation	(258,185)	
Positions transferred from other Departments	(26,152)	
Salaries		\$2,216,846
Materials and Supplies		72,400
Services Other Than Personal		188,240
Maintenance of Property:		
Recurring		3,500
Non-Recurring and Replacements		1,458
Extraordinary:		
Compensation awards		2,000
Tort Claims, pursuant to C.59:12-1		500,000
Additions and Improvements		53,000
		<hr/>
Total Appropriation, Division of Law		\$3,037,444
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Expenditures for the cost of securing evidence of violations under Title 19 and assisting in the prosecution of such violations shall be paid from the appropriation hereinabove set forth, provided that such expenditures shall be subject to the approval of the Governor.

The unexpended balance as of June 30, 1973 in the Tort Claims account is hereby appropriated for the payment of such claims.

The unexpended balance, not to exceed \$50,000 as of June 30, 1973 in the revolving fund established to provide for expenses in operating C.48:2-31.1 et seq., together with all receipts, are hereby appropriated.

115-100. *Division on Civil Rights*

Officers and employees	(\$837,296)	
Salaries		\$837,296
Materials and Supplies		23,900
Services Other Than Personal		174,938
Maintenance of Property:		
Recurring		2,300
Non-Recurring and Replacements		1,100
Additions and Improvements		775
Total Appropriation, Division on Civil Rights		<hr/> \$1,040,309 <hr/>

120-100. *Division of State Police*

Officers and employees	(\$18,643,197)	
Cash in lieu of maintenance	(3,569,400)	
New positions	(169,859)	
Position transferred from another Division	(4,796)	
Salaries		\$22,387,252
Materials and Supplies		1,509,456
Services Other Than Personal		1,047,431
Maintenance of Property:		
Recurring		679,500
Non-Recurring and Replacements		1,397,912
Extraordinary:		
Compensation awards		90,000
Additions and Improvements		391,636
Total Appropriation, Division of State Police		<hr/> \$27,503,187 <hr/>

In addition to the amounts hereinabove specifically appropriated to the Division of State Police, there

are hereby appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all State Police services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police Retirement System shall not be appropriated and shall be paid into the General State Fund.

130-100. *Division of Alcoholic Beverage Control*

Officers and employees	(\$1,569,880)	
Salaries		\$1,569,880
Materials and Supplies		28,615
Services Other Than Personal		161,859
Maintenance of Property:		
Recurring		9,950
Non-Recurring and Replacements		10,120
Extraordinary:		
Compensation awards		1,000
Additions and Improvements		1,550
Total Appropriation, Division of Alcoholic Beverage Control		<hr/> \$1,782,974 <hr/>

Division of Motor Vehicles

140-101. *Administration and Support*

Officers and employees	(\$1,055,601)	
Positions transferred from other		
Bureaus	(94,275)	
Salaries		\$1,149,876
Materials and Supplies		17,200
Services Other Than Personal		94,128

Maintenance and Property:

Recurring	7,950
Non-Recurring and Replacements	588
Additions and Improvements	1,240
Sub-Total Appropriation	<u>\$1,270,982</u>

140-102. *Driver Control and Enforcement*

Officers and employees	(\$3,503,269)
Positions transferred from other Bureaus	(14,332)
Salaries	\$3,517,601
Materials and Supplies	108,050
Services Other Than Personal	380,697
Maintenance of Property:	
Recurring	3,630
Non-Recurring and Replacements	11,026
Extraordinary:	
Traffic safety education	10,000
Compensation awards	7,000
For transfer to an applicant State department to be used for the State share of the cost of highway safety projects which qualify for no less than 50% matching by the Federal government	250,000
Additions and Improvements	17,160
Sub-Total Appropriation	<u>\$4,305,164</u>

The unexpended balance as of June 30, 1973 in the Extraordinary Category, which represents the State share of the cost of highway safety projects, is hereby appropriated for such projects.

140-103. *Vehicle Control*

Officers and employees	(\$ 6,257,235)
New positions	(18,738)
Positions established from lump sum appropriation	(499,914)

Positions transferred from other	
Bureaus	(20,539)
Motor vehicle examiners' overtime	(567,568)
Salaries	\$7,363,994
Materials and Supplies	354,750
Services Other Than Personal	249,869
Maintenance of Property:	
Recurring	72,600
Non-Recurring and Replacements	7,987
Extraordinary:	
Compensation awards	20,000
Additions and Improvements	23,124
Sub-Total Appropriation	<hr/> \$8,092,324 <hr/>

140-104. *Licensing and Registration*

Officers and employees	(\$2,808,442)
Positions transferred from other	
Bureaus	(40,341)
Salaries	\$2,848,783
Materials and Supplies	885,350
Services Other Than Personal	1,144,138
Maintenance of Property:	
Recurring	29,572
Non-Recurring and Replacements	58,491
Additions and Improvements	8,130
Sub-Total Appropriation	<hr/> \$4,974,464 <hr/>

In addition to the amounts hereinabove specifically set forth, there are appropriated such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers pursuant to the provisions of R.S. 39:3-3 and R.S. 39:10-25.

141-100. *Bureau of Security-Responsibility*

Officers and employees	(\$1,423,539)
Positions transferred from other	
Bureaus	(32,469)

Salaries	\$1,456,008
Materials and Supplies	68,000
Services Other Than Personal	404,931
Maintenance of Property:	
Recurring	2,500
Non-Recurring and Replacements	2,535
Additions and Improvements	3,000
Sub-Total Appropriation	<u>\$1,936,974</u>

142-400. *Unsatisfied Claim and Judgment Fund Board*

Officers and employees	(\$422,770)
Salaries	\$422,770
Materials and Supplies	6,050
Services Other Than Personal	67,330
Maintenance of Property:	
Recurring	2,100
Non-Recurring and Replacements	14,910
Additions and Improvements	750
Sub-Total Appropriation	<u>\$513,910</u>

There are hereby appropriated out of the Unsatisfied Claim and Judgment Fund the amounts hereinabove set forth for administration of the Unsatisfied Claim and Judgment Fund Board, together with such sums as may be necessary for the payment of costs pursuant to C.39:6-67, for payment of claims, and for such additional costs as may be required to implement P.L. 1968, c. 323; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Division of Motor Vehicles	<u><u>\$21,093,818</u></u>
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155-100. *Division of the New Jersey Racing Commission*

Officers and employees	(\$387,494)	
Salaries		\$387,494
Materials and Supplies		12,500
Services Other Than Personal		49,400
Maintenance of Property:		
Recurring		400
Additions and Improvements		500
Total Appropriation, Division of the New Jersey Racing Commission		<hr/> \$450,294 <hr/>

*Division of Consumer Affairs*160-100. *General*

Officers and employees	(\$1,352,619)	
New positions	(40,031)	
Positions established from lump sum appropriation	(30,534)	
Salaries		\$1,423,184
Materials and Supplies		34,125
Services Other Than Personal		178,991
Maintenance of Property:		
Recurring		12,500
Non-Recurring and Replacements		40,300
Extraordinary:		
Compensation awards		9,000
Additions and Improvements		16,225
Sub-Total Appropriation		<hr/> \$1,714,325 <hr/>

*Division of Consumer Affairs*160-110. *State Board of Certified Public Accountants*

Officers and employees	(\$29,391)	
Salaries		\$29,391
Materials and Supplies		1,540
Services Other Than Personal		60,649

Maintenance of Property:

Recurring	50
Additions and Improvements	350

Sub-Total Appropriation	<u>\$91,980</u>
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160-111. *State Board of Architects*

Officers and employees	(\$46,613)
Salaries	\$46,613
Materials and Supplies	5,050
Services Other Than Personal	20,453

Maintenance of Property:

Recurring	100
Additions and Improvements	500

Sub-Total Appropriation	<u>\$72,716</u>
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160-112. *State Board of Dentistry*

Officers and employees	(\$38,124)
Salaries	\$38,124
Materials and Supplies	3,500
Services Other Than Personal	15,881

Maintenance of Property:

Recurring	300
Non-Recurring and Replacements	1,000

Sub-Total Appropriation	<u>\$58,805</u>
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160-113. *State Board of Mortuary Science*

Officers and employees	(\$34,646)
Salaries	\$34,646
Materials and Supplies	1,224
Services Other Than Personal	12,804

Maintenance of Property:

Recurring	225
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Sub-Total Appropriation	<u>\$48,899</u>
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160-114. *State Board of Professional Engineers and
Land Surveyors*

Officers and employees	(\$57,276)	
Salaries		\$57,276
Materials and Supplies		12,550
Services Other Than Personal		37,300
Maintenance of Property:		
Recurring		75
Non-Recurring and Replacements		125
Additions and Improvements		350
Sub-Total Appropriation		<hr/> \$107,676 <hr/>

160-115. *State Board of Medical Examiners*

Officers and employees	(\$54,524)	
Salaries		\$54,524
Materials and Supplies		6,000
Services Other Than Personal		84,435
Maintenance of Property:		
Recurring		175
Sub-Total Appropriation		<hr/> \$145,134 <hr/>

160-116. *State Board of Nursing*

Officers and employees	(\$182,967)	
Salaries		\$182,967
Materials and Supplies		7,100
Services Other Than Personal		96,525
Maintenance of Property:		
Recurring		700
Non-Recurring and Replacements		500
Additions and Improvements		500
Sub-Total Appropriation		<hr/> \$288,292 <hr/>

160-117. *State Board of Optometrists*

Officers and employees	(\$19,581)	
Salaries		\$19,581
Materials and Supplies		300
Services Other Than Personal		4,700
Maintenance of Property:		
Recurring		100
Sub-Total Appropriation		<u>\$24,681</u>

160-118. *State Board of Pharmacy*

Officers and employees	(\$62,965)	
Salaries		\$62,965
Materials and Supplies		4,650
Services Other Than Personal		19,490
Maintenance of Property:		
Recurring		300
Non-Recurring and Replacements		250
Sub-Total Appropriation		<u>\$87,655</u>

160-119. *State Board of Veterinary Medical Examiners*

Officers and employees	(\$8,484)	
Salaries		\$8,484
Materials and Supplies		500
Services Other Than Personal		2,275
Sub-Total Appropriation		<u>\$11,259</u>

160-120. *State Board of Shorthand Reporting*

Officers and employees	(\$3,350)	
Salaries		\$3,350
Materials and Supplies		125
Services Other Than Personal		923
Sub-Total Appropriation		<u>\$4,398</u>

160-121. *State Board of Examiners of Ophthalmic Dispensers
and Ophthalmic Technicians*

Officers and employees	(\$12,000)	
Salaries		\$12,000
Materials and Supplies		1,000
Services Other Than Personal		3,550
Maintenance of Property:		
Recurring		60
Sub-Total Appropriation		<u>\$16,610</u>

160-122. *State Board of Beauty Culture Control*

Chairman	(\$4,500)	
Board members (5 @ \$3,500)	(17,500)	
Officers and employees	(85,166)	
Salaries		\$107,166
Materials and Supplies		7,225
Services Other Than Personal		32,066
Maintenance of Property:		
Recurring		500
Non-Recurring and Replacements		1,000
Additions and Improvements		600
Sub-Total Appropriation		<u>\$148,557</u>

160-123. *State Board of Professional Planners*

Officers and employees	(\$18,431)	
Salaries		\$18,431
Materials and Supplies		1,200
Services Other Than Personal		8,440
Maintenance of Property:		
Recurring		50
Additions and Improvements		400
Sub-Total Appropriation		<u>\$28,521</u>

160-124. *State Board of Examiners of Electrical Contractors*

Officers and employees	(\$51,239)	
Salaries		\$51,239
Materials and Supplies		2,850
Services Other Than Personal		14,835
Maintenance of Property:		
Recurring		100
Sub-Total Appropriation		<hr/> \$69,024 <hr/>

160-125. *State Board of Psychological Examiners*

Officers and employees	(\$16,158)	
Salaries		\$16,158
Materials and Supplies		200
Services Other Than Personal		4,135
Sub-Total Appropriation		<hr/> \$20,493 <hr/>

160-126. *State Board of Examiners of Master Plumbers*

Officers and employees	(\$45,751)	
Salaries		\$45,751
Materials and Supplies		2,577
Services Other Than Personal		15,620
Maintenance of Property:		
Recurring		100
Sub-Total Appropriation		<hr/> \$64,048 <hr/>

160-127. *State Board of Marriage Counselor Examiners*

Materials and Supplies		\$500
Services Other Than Personal		2,290
Sub-Total Appropriation		<hr/> \$2,790 <hr/>

160-128. *State Board of Barber Examiners*

Officers and employees	(\$105,086)	
New position	(8,000)	
Salaries		\$113,086
Materials and Supplies		2,000
Services Other Than Personal		12,620
Maintenance of Property:		
Recurring		100
Non-Recurring and Replacements		750
Sub-Total Appropriation		<hr/> \$128,556 <hr/>

160-129. *Private Employment Agencies Section*

Positions transferred from another		
Department	(\$46,197)	
Salaries		\$46,197
Materials and Supplies		1,000
Services Other Than Personal		4,550
Maintenance of Property:		
Recurring		100
Additions and Improvements		1,300
Sub-Total Appropriation		<hr/> \$53,147 <hr/>

160-130. *Legalized Games of Chance Control Commission*

Officers and employees	(\$156,346)	
Salaries		\$156,346
Materials and Supplies		4,540
Services Other Than Personal		11,128
Maintenance of Property:		
Recurring		380
Non-Recurring and Replacements		8,700
Sub-Total Appropriation		<hr/> \$181,094 <hr/>

160-131. *Office of State Athletic Commissioner*

Commissioner	(\$7,000)	
Officers and employees	(32,003)	
Salaries		\$39,003
Materials and Supplies		1,025
Services Other Than Personal		4,225
Maintenance of Property:		
Recurring		250
Non-Recurring and Replacements		126
Sub-Total Appropriation		<hr/> \$44,629
Total Appropriation, Division of Consumer Affairs		<hr/> \$3,413,289 <hr/>

The amount hereinabove appropriated to each of the several State professional boards shall be payable out of the receipts of such boards and any receipts in excess of the amount specifically appropriated to each of said boards are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act; and provided further, however, that the appropriation of excess receipts shall not apply to the State Board of Beauty Culture Control and to the State Board of Barber Examiners.

180-100. *Violent Crimes Compensation Board*

Positions established from lump sum appropriation	(\$140,241)	
Salaries		\$140,241
Materials and Supplies		3,000
Services Other Than Personal		19,650
Maintenance of Property:		
Recurring		300

Extraordinary:

Claims—Victims of violent crimes	700,000
Additions and Improvements	1,000
	<hr/>
Total Appropriation, Violent Crimes Compensation Board	\$864,191
	<hr/>

The unexpended balance as of June 30, 1973 in the Claims—Victims of violent crimes account is hereby appropriated for the payment of such claims.

190-100. *State Law Enforcement Planning Agency*

Extraordinary:

For transfer to an applicant State department, on request of the Attorney General and with the approval of the Director of the Division of Budget and Accounting, for use as the State share of the cost of State Law Enforcement Planning Agency programs for which matching Federal funds are approved	\$2,500,000
	<hr/>
Total Appropriation, State Law Enforcement Planning Agency	\$2,500,000
	<hr/>
Total Appropriation, Department of Law and Public Safety	\$66,620,215
	<hr/> <hr/>

DEPARTMENT OF THE TREASURY

210-100. *Administrative Division*

State Treasurer	(\$40,000)
Officers and employees	(425,782)
Salaries	\$465,782
Materials and Supplies	11,500
Services Other Than Personal	48,042

Maintenance of Property:

Recurring	1,500
Additions and Improvements	2,100

Total Appropriation, Administrative Division	<u>\$528,924</u>
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210-301. *Print Shop*

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Print Shop from any appropriation made to any department for printing costs which are appropriated or allocated to such departments for its share of costs of the Print Shop.

210-302. *Microfilm Section*

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Microfilm Section from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for its share of costs of the Microfilm Section.

210-303. *Central Motor Pool*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by a central motor pool, together with the unexpended balance of such receipts as of June 30, 1973, for the purpose of operating such a motor pool, including the replacement of motor vehicles and the purchase of additional motor vehicles; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

211-100. *Office of Economic Policy*

Officers and employees	(\$41,929)	
Salaries		\$41,929
Materials and Supplies		5,000
Services Other Than Personal		12,400

Maintenance of Property:

Recurring	200
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Total Appropriation, Office of Economic Policy	\$59,529
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212-100. *Office of Employee Relations*

Officers and employees	(\$89,711)	
Salaries		\$89,711
Materials and Supplies		2,500
Services Other Than Personal		29,750

Total Appropriation, Office of Employee Relations	\$121,961
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220-100. *Division of Budget and Accounting*

Officers and employees	(\$2,031,350)	
New positions	(121,791)	
Salaries		\$2,153,141
Materials and Supplies		97,700
Services Other Than Personal		1,440,409

Maintenance of Property:

Recurring	6,000
Non-Recurring and Replacements	3,593

Extraordinary:

Study of State employment conditions, pursuant to C.52:14-17.50	15,000
Additions and Improvements	11,549

Total Appropriation, Division of Budget and Accounting	\$3,727,392
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There are hereby appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are hereby appropriated for the purposes and from the sources defined in said act.

220-300. *Bureau of Data Processing*

There are hereby appropriated the unexpended balance in the revolving fund created pursuant to P.L. 1966, c. 33 for the purpose of operating the Bureau of Data Processing established pursuant to Executive Order No. 30, dated November 9, 1966, and, in addition thereto, the receipts derived from charges for services rendered thereby; and from advance savings or acquisition premiums continuing from resale of data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Bureau of Data Processing from any appropriation made to any department for data processing costs which are appropriated or allocated to such departments for their share of costs of the Bureau of Data Processing.

225-100. *Division of Data Processing and Telecommunications*

Officers and employees	(\$612,237)	
Salaries		\$612,237
Materials and Supplies		6,100
Services Other Than Personal		56,373
Maintenance of Property:		
Recurring		616
Total Appropriation, Division of Data Processing and Telecommunications		<hr/> \$675,326 <hr/>

*Division of Purchase and Property**230-100. General*

Officers and employees	(\$3,607,624)	
Salaries		\$3,607,624
Materials and Supplies		1,056,500
Services Other Than Personal		360,623
Maintenance of Property:		
Recurring		213,300
Non-Recurring and Replacements		68,363
Additions and Improvements		42,500
Total Appropriation, Division of Purchase and Property		<hr/> \$5,348,910 <hr/>

230-300. State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1973, together with the reimbursements thereto, are hereby appropriated so that an amount not to exceed \$2,000,000 will be maintained in said Fund for the purpose of making payments for purchases pursuant to the purchase act (R.S. 52:25-1 et seq.) and for the expenses of handling, storing and transporting purchases so made; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act. Any sum as of June 30, 1973 in excess of \$2,000,000, shall be transferred by the State Treasurer to the General State Fund.

230-301. Federal Surplus Property Distribution Fund

The unexpended balance as of June 30, 1973 in the revolving fund for the distribution of Federal surplus property together with receipts from charges made to recipient agencies in accordance with applicable regulations are hereby appropriated to defray all costs of administration of the Federal surplus property distribution

program; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

230-302. *Central Reproduction Services Fund*

The unexpended balances as of June 30, 1973 in the revolving fund for central reproduction services, together with the receipts derived from services rendered are hereby appropriated for the purpose of operating a central reproduction service; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

233, 234-400. *State Cafeterias*

The unexpended balances in the State Cafeteria accounts as of June 30, 1973, together with receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria services and facilities pursuant to C.52:18A-19.6.

235-100. *Division of Building and Construction*

Officers and employees	(\$826,682)	
New position	(31,751)	
Salaries		\$858,433
Materials and Supplies		12,400
Services Other Than Personal		100,232
Maintenance of Property:		
Recurring		500
Non-Recurring and Replacements		10,000
Extraordinary:		
Affirmative action program		100,000
Additions and Improvements		2,500
Total Appropriation, Division of Building and Construction		<hr/> \$1,084,065 <hr/>

*Division of Taxation*240-115. *Director's Office and Administration Activity*

Officers and employees	(\$924,667)	
Positions transferred from other activities	(62,413)	
Salaries		\$987,080
Materials and Supplies		25,100
Services Other Than Personal		147,701
Maintenance of Property:		
Recurring		3,500
Non-Recurring and Replacements		2,000
Additions and Improvements		2,000
Sub-Total Appropriation		<hr/> \$1,167,381 <hr/>

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54, as amended and supplemented.

There are hereby appropriated so much of the proceeds of taxes derived from the fire insurance premiums as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association, pursuant to R.S. 54:17-4.

There are hereby appropriated so much of the proceeds derived from the imposition of the Financial Business Tax as may be required for payment to the local taxing districts and counties, pursuant to C.54:10B-24.

There are hereby appropriated so much of the proceeds derived from the imposition of the taxes set forth in C.54:11D-1 as may be required for payment to the local taxing districts, pursuant to C.54:11D-1 et seq.

The unexpended balance as of June 30, 1973 in the account Expenses of Savings Institution Tax Act is hereby appropriated.

240-116. *Collection and Enforcement Activity*

Officers and employees	(\$4,814,712)	
New positions	(227,157)	
Salaries		\$5,041,869
Materials and Supplies		251,500
Services Other Than Personal		1,391,600
Maintenance of Property:		
Recurring		5,000
Non-Recurring and Replacements		2,500
Additions and Improvements		60,100
Sub-Total Appropriation		<hr/> \$6,752,569 <hr/>

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette Tax Act as may be necessary for storage and disposal thereof are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Any appropriation herein or heretofore made for administration of the Emergency Transportation Tax Act (C.54:8A-1 et seq.) and the Transportation Benefits Tax Act (C.54:8A-58 et seq.) shall first be charged to the Transportation Fund or the Transportation Benefits Fund, respectively, established in said Acts, as the Director of the Division of Budget and Accounting shall determine and, in addition thereto, such sums as may be necessary for additional expenses of administration of said acts are hereby appropriated from the receipts thereof; provided, however, that the expenditure of such additional sums shall be subject to transfers approved as prescribed in section 3 of this act.

240-117. *Audit Activity*

Officers and employees	(\$6,556,432)	
New positions	(252,326)	
Salaries		\$6,808,758
Materials and Supplies		36,000
Services Other Than Personal		421,100
Maintenance of Property:		
Recurring		4,000
Non-Recurring and Replacements		4,000
Extraordinary:		
Administration of Farmland Act		10,000
Additions and Improvements		38,000
Sub-Total Appropriation		<hr/> \$7,321,858
Total Appropriation, Division of Taxation ..		<hr/> \$15,241,808 <hr/>

250-400. *Division of the State Lottery*

Officers and employees	(\$1,007,322)	
New positions	(152,081)	
Salaries		\$1,159,403
Materials and Supplies		527,300
Services Other Than Personal		2,869,064
Maintenance of Property:		
Recurring		5,600
Extraordinary:		
Motor vehicle agents fees		127,000
Additions and Improvements		3,000
Total Appropriation, Division of the State Lottery		<hr/> \$4,691,367 <hr/>

There are hereby appropriated out of the State Lottery Funds the amounts hereinabove set forth for administration of the Division of the State Lottery, together with such sums as may be necessary for such additional costs as may be

required to implement C.5:9-1 et seq.; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

In addition to the amounts hereinabove set forth there are hereby appropriated from the State Lottery Fund such sums as may be necessary for payment of commissions and prizes pursuant to the provisions of C.5:9-7.

Such sums as are detailed in the schedules included in this act are hereby appropriated from the State Lottery Fund.

260-100. *Division of Tax Appeals*

Judges (6 @ \$17,000)	(\$102,000)	
Officers and employees	(138,182)	
Salaries		\$240,182
Materials and Supplies		6,075
Services Other Than Personal		71,850
Maintenance of Property:		
Recurring		500
Non-Recurring and Replacements		700
Additions and Improvements		1,000
Total Appropriation, Division of Tax Appeals		<hr/> \$320,307 <hr/>

290-100. *Division of Investment*

Officers and employees	(\$389,487)	
New positions	(19,959)	
Salaries		\$409,446
Materials and Supplies		10,150
Services Other Than Personal		68,150
Maintenance of Property:		
Recurring		1,750
Non-Recurring and Replacements		1,148

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Additions and Improvements	664
Total Appropriation, Division of Investment	<u>\$491,308</u>

There are hereby appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for custodial costs, mortgage servicing fees, and advertising bank balances as required by C.52:18-16.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

295-100. *Division of Pensions*

Officers and employees	(\$2,357,911)	
Salaries		\$2,357,911
Materials and Supplies		100,050
Services Other Than Personal		561,068
Maintenance of Property:		
Recurring		9,000
Non-Recurring and Replacements		6,000
Additions and Improvements		1,000
Total Appropriation, Division of Pensions		<u>\$3,035,029</u>
Total Appropriation, Department of the Treasury		<u><u>\$35,325,926</u></u>

DEPARTMENT OF STATE

300-100. *Office of Secretary*

Secretary of State	(\$38,000)	
Officers and employees	(673,093)	
Salaries		\$711,093
Materials and Supplies		31,000
Services Other Than Personal		90,939

Maintenance of Property:

Recurring	3,150
Non-Recurring and Replacements	4,600
Additions and Improvements	2,087

Total Appropriation, Office of Secretary ...	\$842,869
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301-100. *State Council on the Arts*

Officers and employees	(\$25,125)	
New position	(4,796)	
Salaries		\$29,921
Materials and Supplies		870
Services Other Than Personal		6,850

Maintenance of Property:

Recurring	100
Non-Recurring and Replacements	500

Extraordinary:

Cultural Projects:

Contracts with New Jersey Symphony Orchestra	150,000
Contracts with Trenton Symphony Orchestra	15,000
Contracts with Opera Theater of New Jersey	75,000
Other cultural projects	150,000
Additions and Improvements	220

Total Appropriation, State Council on the Arts	\$428,461
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The unexpended balance as of June 30, 1973 for Cultural Projects is hereby appropriated and none of the sum appropriated for Cultural Projects shall be expended without non-State matching funds.

Of the sum appropriated for Other cultural projects a sum not to exceed \$10,000 may be used for additional administrative expenses.

306-100. *Division of Administrative Procedure*

Officers and employees	(\$183,989)	
Salaries		\$183,989
Materials and Supplies		30,500
Services Other Than Personal		72,526
Maintenance of Property:		
Recurring		600
Additions and Improvements		1,200
Total Appropriation, Division of Administrative Procedure		\$288,815
Fees collected by this Division for publications, together with the unexpended balance as of June 30, 1973 in this account, are hereby appropriated for the costs of mailing and publication thereof.		
Total Appropriation, Department of State ..		\$1,560,145

310. DEPARTMENT OF CIVIL SERVICE

*Personnel Management*75500. *Merit System Administration*

75510. Personnel Administration Policy for Career Service		\$362,519
75520. Public Career Service Motivation		1,563,680
75530. Public Career Service Betterment		1,795,351
75590. General Program Support		521,956
Total Appropriation		\$4,243,506

Salaries:

President	(\$38,000)	
Commissioners (4 @ \$10,500)	(42,000)	
Officers and employees	(3,178,096)	
New positions	(100,716)	
Materials and Supplies	(146,175)	
Services Other Than Personal	(566,124)	

Maintenance of Property:

Recurring	(9,000)
Non-Recurring and Replacements ..	(7,000)

Extraordinary:

Public Service Institute	(65,000)
Compensation awards	(2,500)
Public employment career develop- ment	(75,000)
Additions and Improvements	(13,895)

Total Appropriation, Department of Civil Service	\$4,243,506
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Receipts derived from State and local government agencies for training courses are hereby appropriated for use by the Public Service Institute.

The unexpended balance as of June 30, 1973, not to exceed \$6,000, in the account State Employee Development and Training Council is hereby appropriated.

320. DEPARTMENT OF BANKING

14100. *Regulation of Financial Institutions*

14110. Regulation of Banking Industry	\$1,146,888
14120. Regulation of Savings and Loan Associa- tions	507,971
14190. Management and General Support	327,540
Total Appropriation	\$1,982,399

Salaries:

Commissioner	(\$38,000)
Officers and employees	(1,654,772)
Materials and Supplies	(26,995)
Services Other Than Personal	(221,385)

Maintenance of Property:

Recurring	(2,480)
Non-Recurring and Replacements ..	(1,859)

Extraordinary:

New Jersey Cemetery Board	(31,552)	
Compensation awards	(2,700)	
Additions and Improvements	(2,656)	
Total Appropriation, Department of Banking		<u>\$1,982,399</u>

Additional receipts derived pursuant to P.L. 1971, c. 238 are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amount appropriated to the New Jersey Cemetery Board shall be payable out of the receipts of the board, and any receipts in excess of the amount appropriated to the board shall be appropriated for its use; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance of the receipts of the New Jersey Cemetery Board as of June 30, 1973 is hereby appropriated.

325. DEPARTMENT OF INSURANCE

14200. *Regulation of the Insurance and Real Estate Industries*

14210. Licensing and Enforcement	\$1,045,989
14220. Actuarial Services	717,346
14230. Regulation of Real Estate Industry	279,556
14290. Management and General Support	445,768
Total Appropriation	<u>\$2,488,659</u>

Salaries:

Commissioner	(\$38,000)
Real Estate Commissioners (6 @ \$5,000)	(30,000)
Officers and employees	(2,133,720)
Materials and Supplies	(55,875)
Services Other Than Personal	(215,464)

Maintenance of Property:

Recurring	(2,900)
Non-Recurring and Replacements ..	(4,700)

Extraordinary:

Compensation awards	(5,900)
Additions and Improvements	(2,100)

Total Appropriation, Department of Insurance	\$2,488,659
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The trust funds of the National Association of Insurance Commissioners, pursuant to C.17:24-13 are hereby appropriated.

330. DEPARTMENT OF AGRICULTURE

Environmental Management

41100. <i>Disease Control and Agricultural Development Services</i>	
41110. Animal Disease Control	\$328,729
41120. Plant Pest and Disease Control	844,946
41130. Resource Development Services	310,477*
41140. Fairs and Exhibits	113,833

Total Appropriation	\$1,597,985*
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Salaries:

Officers and employees	(\$1,118,282)
Positions established from lump sum appropriation	(52,283)
Materials and Supplies	(79,325)
Services Other Than Personal	(269,545)

Maintenance of Property:

Recurring	(3,100)
Non-Recurring and Replacements ..	(450)

Extraordinary:

Gypsy Moth Control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT)	(75,000)
Soil Conservation	()*

The unexpended balances as of June 30, 1973, in the accounts for Indemnities, pursuant to C.4:5-93.37; Indemnities, hog cholera eradication, pursuant to C.4:5-10; Gypsy moth control by biological means only; and Gypsy moth control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT) are hereby appropriated.

Development and Regulation of Industry

51300. *Agricultural Trade Regulation and Marketing Services*

51310. Meat and Poultry Regulation	\$250,000
51320. Dairy Industry Regulation	345,474
51330. Other Commodity Regulation	456,143
51340. Marketing Services	249,221
51350. Commodity Distribution	661,484
<hr/>	
Sub-Total	\$1,962,322
Less: Receipts from Recipient Agencies	661,484
<hr/>	
Total Appropriation	\$1,300,838
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Salaries:

Officers and employees	(\$1,060,327)
Materials and Supplies	(21,690)
Services Other Than Personal	(626,455)

Maintenance of Property:

Recurring	(1,550)
Non-Recurring and Replacements ..	(2,300)

Extraordinary:

Meat and Poultry Inspection, pursuant to C.24:16B-1 et seq.	(250,000)
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Less: Receipts from Recipient

Agencies	(661,484)
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The receipts derived from charges for overtime services rendered to users in the administration of the Meat and Poultry Inspection Act are hereby appropriated for such services.

The portion of the appropriation made for Meat and Poultry Inspection, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The unexpended balance as of June 30, 1973 in the Pesticide monitoring account is hereby appropriated.

The cost of operating Fruit and vegetable inspection shall be paid from inspection fees which shall be derived therefrom.

The unexpended balance as of June 30, 1973, together with receipts, from the operation of Fruit and vegetable inspection are hereby appropriated.

The unexpended balances as of June 30, 1973 of receipts derived, pursuant to the provisions of C.54:47A-1 (Poultry Products Promotion Council), C.54:47B-1 (White Potato Industry Promotion Council), C.54:47C-1 (Asparagus Industry Promotion Council), C.54:47D-1 (Apple Industry Promotion Council), C.54:47E-1 (Sweet Potato Commission) and C.5:5-22 et seq. (New Jersey Horsebreeding and Development account), together with such receipts collected are hereby appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable Federal regulations, together with the unexpended balance of such receipts as of June 30, 1973 are hereby appropriated for expenses of Commodity Distribution; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

*Department, Agency Management and Support*79100. *Department Management and General Support Services*

79110. Department Management and General Support Services	\$519,817
Total Appropriation	<u>\$519,817</u>

Salaries:

Secretary	(\$38,000)
Officers and employees	(359,553)
New positions	(27,394)
Positions transferred from other Subcategories	(6,107)
Materials and Supplies	(11,970)
Services Other Than Personal	(66,643)

Maintenance of Property:

Recurring	(8,000)
Non-Recurring and Replacements ..	(1,550)
Additions and Improvements	(600)

Total Appropriation, Department of Agriculture	<u>\$3,418,640*</u>
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340. DEPARTMENT OF DEFENSE

*Protection Against Natural and Man-Made Hazards*13100. *National Guard and Civil Defense*

13110. National Guard Training, Operations and Administration	\$1,395,857
13120. Management of National Guard Installa- tions	2,367,775
13130. Civil Defense Operations and Administra- tion	686,490
Total Appropriation	<u>\$4,450,122</u>

Salaries:

Chief of Staff .....	(	\$35,000)
Officers and employees .....	(	3,237,994)
Materials and Supplies .....	(	472,750)
Services Other Than Personal .....	(	288,352)

Maintenance of Property:

Recurring .....	(	115,300)
Non-Recurring and Replacements ..	(	198,246)

Extraordinary:

Organization allowance .....	(	5,000)
Emergency Operating Center .....	(	1,000)
Governor's youth program .....	(	68,050)
Hammonton Training School .....	(	3,820)
Emergency expenses .....	(	1,000)
Compensation awards .....	(	12,000)
Additions and Improvements .....	(	11,610)

Total Appropriation, Department of Defense \$4,450,122

Receipts derived from rental of armories to municipalities for youth and school activities are hereby appropriated for costs of operation thereof.

Receipts from local school districts are hereby appropriated for the Governor's youth program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 in the Emergency expenses account is hereby appropriated for the same purpose.

Such sums as may be necessary to carry out the provisions of C.9-57.1 et seq. are hereby appropriated from the Special Fund for Civil Defense Volunteers.

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to Civil Defense Operations and Administration such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage or disaster.

350. DEPARTMENT OF PUBLIC UTILITIES

*Regulation of Industry*14300. *Regulation of Public Utilities*

14310. Economic Regulation	\$431,229
14320. Service Adequacy and Safety	940,874
14330. Administration and Support	1,578,614
<hr/>	
Total Appropriation	\$2,950,717
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Salaries:

President	(\$24,000)
Board members (2)	(40,000)
Officers and employees	(1,868,659)
New positions	(68,788)
Positions established from lump sum appropriation	(105,998)
Materials and Supplies	(33,650)
Services Other Than Personal	(213,538)

Maintenance of Property:

Recurring	(3,000)
Non-Recurring and Replacements ..	(2,250)

Extraordinary:

Expenses of the Office of Cable Television, pursuant to P.L. 1972, c. 186	(77,909)
Bus operators subsidy, pursuant to P.L. 1972, c. 211	(500,000)
Compensation awards	(4,000)
Additions and Improvements	(8,925)

There are hereby appropriated such other sums as may be appropriated on behalf of this Department or as may be applicable thereto as the Director of the Division of Budget and Accounting shall determine in order to comply with the purposes of C.48:2-59 et seq. and P.L. 1972, c. 186 or other applicable statutes with respect to assessment of public utilities or to assessment of the cable television industry.

Of the sum provided herein for the Expenses of the Office of Cable Television, pursuant to P.L. 1972, c. 186, the annual salary of the Director, Office of Cable Television shall be within the salary range, \$17,735-\$23,057.

The unexpended balance as of June 30, 1973 in the account Bus operators subsidy is hereby appropriated for the same purpose.

34500. *Public Broadcasting*

New Jersey Public Broadcasting Authority

34510. New Jersey Public Broadcasting Authority	\$2,699,949
34520. Debt Service	353,836
Total Appropriation	<hr/> \$3,053,785 <hr/>

Salaries:

Executive Director	(\$33,233)
Officers and employees	(1,301,407)
Materials and Supplies	(178,200)
Services Other Than Personal	(303,905)

Maintenance of Property:

Recurring	(104,204)
Non-Recurring and Replacements ..	(2,000)

Extraordinary:

Programming	(752,000)
Promotional expenses	(25,000)
Interest on Public Building Construction Bonds—P.L. 1968, c. 128	(353,836)

The unexpended balance, not to exceed \$300,000, as of June 30, 1973 in this account is hereby appropriated.

The unexpended balance as of June 30, 1973 in the revolving fund created pursuant to P.L. 1972, c. 73 for the purpose of printing and purchasing publications and materials for sale, and the receipts derived from such sales are hereby appropriated.

Receipts derived from the leasing of space on transmitter towers, together with the unexpended balance of such receipts as of June 30, 1973 are hereby appropriated for the maintenance of such towers and transmission equipment or facilities; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Receipts derived from the rental of studio or production facilities to non-profit organizations, together with the unexpended balance of such receipts as of June 30, 1973 are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Department of Public Utilities	\$6,004,502
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360. DEPARTMENT OF HEALTH

Personal Health

22100. *Chronic Illness*

22110. Alcoholism Control	\$155,996
22120. Chronic Renal Disease	909,525
22130. Other Chronic Disease	501,376
Total Appropriation	\$1,566,897

Salaries:

Officers and employees	(\$111,067)
Materials and Supplies	(17,090)
Services Other Than Personal	(163,740)

Extraordinary:

Chronic renal disease	(900,000)
Hemophilia treatment	(250,000)
Juvenile terminal illness assistance	(125,000)

The unexpended balances as of June 30, 1973 in the Extraordinary accounts for Chronic renal disease, Hemophilia treatment and Juvenile terminal illness assistance are hereby appropriated for the same purposes.

The funds provided hereinabove for Chronic Renal disease and Hemophilia treatment shall be expended without regard to any tests for financial eligibility.

The unexpended balance as of June 30, 1973 in the revolving fund created for the purpose of printing and reprinting literature, codes and manuals for sale, and receipts derived from such sales, are hereby appropriated.

22200. *Parental and Child Health Services*

22210. Parental and Child Health	\$358,382
Total Appropriation	<u>\$358,382</u>

Salaries:

Officers and employees	(\$96,572)
Positions transferred from another Subcategory	(22,805)
Materials and Supplies	(2,650)
Services Other Than Personal	(41,355)

Extraordinary:

Family planning service	(125,000)
Expansion of lead poisoning program	(70,000)

22300. *Communicable Diseases*

22310. Tuberculosis Control	\$279,840
22320. Venereal Disease Control	312,414
22330. Other Communicable Disease Control	239,722
Total Appropriation	<u>\$831,976</u>

Salaries:

Officers and employees	(\$473,179)
Positions transferred from another Subcategory	(19,077)
Materials and Supplies	(261,720)
Services Other Than Personal	(78,000)

*Community Health Programs*23100. *Health Care Facilities Administration*

23110. Health Care Facilities Administration	\$1,042,561
23120. Clinical Laboratory Improvement	133,806
Total Appropriation	<hr/> \$1,176,367 <hr/>

Salaries:

Officers and employees	(\$650,918)
New positions	(309,649)
Materials and Supplies	(17,000)
Services Other Than Personal	(48,800)

Extraordinary:

Hospital costs determination ser- vices	(80,000)
Homemaker service	(20,000)
Health care facilities certification augmentation	(50,000)

The unexpended balance as of June 30, 1973 in the Loan for expenses of the New Jersey Health Care Facilities Financing Authority account is hereby appropriated for the same purpose.

The loan to the aforesaid Authority shall be repaid to the General State Fund as required, pursuant to C.26:21-40, together with interest at 6% per annum, out of the proceeds of any obligations issued by the said Authority.

Receipts from the sale of health agencies management information are hereby appropriated as a revolving fund for the maintenance of such management information systems.

23200. *Local Health Services*

23210. Local Health Services	\$934,571
23220. Rabies Control	204,393
Total Appropriation	<hr/> \$1,138,964 <hr/>

Salaries:

Officers and employees	(\$496,664)
Materials and Supplies	(69,670)
Services Other Than Personal	(37,393)
Maintenance of Property:	
Recurring	(237)

Extraordinary:

Support of urban health centers . . .	(500,000)
Emergency medical hospital and nursing services for migrant workers	(35,000)

The amount hereinabove included for Rabies Control is hereby appropriated out of the Rabies Control Trust Fund and the amount remaining therein is hereby appropriated for additional costs of operation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

23300. *Narcotic and Drug Abuse Control*

23310. Education Treatment and Rehabilitation ..	\$3,418,932
23320. Therapeutic Residential School	500,000
23330. Drug Device and Cosmetics	233,808
23340. Laboratory Support	109,219
23350. Interest on Public Building Construction Bonds—P.L. 1968, c. 128	283,132
Total Appropriation	<hr/> \$4,545,091 <hr/>

Salaries:

Officers and employees	(\$425,726)
Positions established from lump sum appropriations	(1,094,933)
Materials and Supplies	(94,000)
Services Other Than Personal	(521,300)

Extraordinary:

Drug addiction treatment Neuro-psychiatric Institute	(550,000)
Drug addiction unit—Marlboro Psychiatric Hospital	(225,000)
New Jersey Drug Abuse Agency—Liberty Park—State share	(400,000)
Drug addiction treatment College of Medicine and Dentistry of New Jersey, Newark	(100,000)
Chemotherapeutic research	(25,000)
Evaluation project	(50,000)
Therapeutic Residential School	(500,000)
Expand regional narcotic treatment services	(275,000)
Interest on Public Building Construction Bonds—P.L. 1968, c. 128	(283,132)
Additions and Improvements	(1,000)
The unexpended balance as of June 30, 1973 in the Therapeutic Residential School account is hereby appropriated for the same purpose.	

23400. *Consumer Health Services*

23410. Consumer Health Services	\$409,129
Total Appropriation	<u>\$409,129</u>

Salaries:

Officers and employees	(\$187,972)
New positions	(37,984)
Positions transferred from another Subcategory	(86,180)
Materials and Supplies	(3,595)
Services Other Than Personal	(27,173)

Extraordinary:

Urban rodent and insect control demonstration projects	(61,425)
Additions and Improvements	(4,800)

23500. *Comprehensive Health Planning*

23510. Comprehensive Health Planning	\$195,978
Total Appropriation	<u>\$195,978</u>

Salaries:

Officers and employees	(\$56,278)
Materials and Supplies	(100)
Services Other Than Personal	(2,000)
Maintenance of Property:	
Recurring	(100)

Extraordinary:

Evaluation of certificates of need ..	(112,500)
Health planning development grant	
—State share	(25,000)

*Laboratory Support and Services*24100. *Supporting Laboratory Services*

24110. Laboratory Services	\$829,482
24120. Research and Development	25,000
Total Appropriation	<u>\$854,482</u>

Salaries:

Officers and employees	(\$679,625)
Materials and Supplies	(140,000)
Services Other Than Personal	(9,857)

Extraordinary:

Research and development	(25,000)
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*Special Programs, Department Management and
General Support Services*29100. *Department Management and General Support Services*

29110. Office of the Commissioner	\$203,824
29120. Management and Fiscal Services	306,731
29130. General Administration	1,494,064
Total Appropriation	<u>\$2,004,619</u>

Salaries:

Commissioner .....	(	\$38,000)
Officers and employees .....	(	1,332,893)
New positions .....	(	41,310)
Positions transferred from another		
Subcategory .....	(	50,698)
Materials and Supplies .....	(	76,120)
Services Other Than Personal .....	(	382,133)

Maintenance of Property:

Recurring .....	(	7,775)
Non-Recurring and Replacements ..	(	5,078)

Extraordinary:

Resident public health training for		
physicians .....	(	60,612)
Compensation awards .....	(	10,000)

29200. *Special Programs*

29210. Examination and Licensing	\$63,378
29220. Vital Statistics and Registration	260,893
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Total Appropriation	\$324,271
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Salaries:

Officers and employees	(\$308,085)
Materials and Supplies	(9,200)
Services Other Than Personal	(6,986)

Total Appropriation, Department of Health	<hr/> <hr/>	\$13,406,156
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The portion of the appropriation made to or on behalf of this Department, which represent general State funds, shall be expended on the several matching bases in proportion to anticipated Federal funds which are received or receivable.

380. DEPARTMENT OF LABOR AND INDUSTRY

*Income Security and Human Resource Development*52100. *Economic and Medical Assistance to Unemployed
and Disabled Workers*

52120. Disability Insurance—State Plan	\$2,505,294
52130. Disability Insurance—Private Plan	1,067,677
52140. Workmen's Compensation	2,113,668
52150. Workmen's Compensation Second Injury Fund	292,803
<hr/>	
Total Appropriation	\$5,979,442
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Salaries:

Officers and employees	(\$4,977,819)
Materials and Supplies	(91,400)
Services Other Than Personal	(806,925)

Maintenance of Property:

Recurring	(4,274)
Non-Recurring and Replacements ..	(3,876)

Extraordinary:

Payment from Second Injury Fund to Workmen's Compensation and Department administration for services	(90,000)
Compensation awards	(4,500)
Additions and Improvements	(648)

In addition to the amounts hereinabove set forth, there are hereby appropriated out of the Temporary Disability Benefits Administration Fund such additional sums as may be required to administer the Disability Insurance Program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There are hereby appropriated out of the State Disability Benefits Fund such sums as may be necessary to pay disability benefits.

There are hereby appropriated out of the Second Injury Fund such sums as may be necessary for

beneficiary payments and for costs of administration in addition to those included hereinabove; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amounts included hereinabove for administrative costs of the Second Injury Fund are hereby appropriated from said Fund, notwithstanding the limitation contained in C.34:15-95.

The State Treasurer is hereby empowered and directed to transfer to the General State Fund the sum of \$50,000 from the excess in the Second Injury Fund over the sum of \$1,250,000 accumulated as of June 30, 1973 pursuant to C.34:15-94.

52200. <i>Manpower Development and Employment Assistance</i>	
52240. Vocational Rehabilitation Services	\$15,422,313
Total Appropriation	\$15,422,313

Salaries:

Officers and employees	(\$2,953,459)
Materials and Supplies	(29,000)
Services Other Than Personal	(285,217)

Maintenance of Property:

Recurring	(3,000)
Non-Recurring and Replacements ..	(1,300)

Extraordinary:

Training grants	(15,000)
Diagnostic services	(1,520,000)
Services to clients	(8,975,000)
Expansion grants	(900,000)
Research	(37,837)
Sheltered Workshop support pursuant to P.L. 1971, c. 272	(700,000)
Additions and Improvements	(2,500)

The unexpended balances, not to exceed \$600,000, as of June 30, 1973 in the Work Incentive Program and State Business Alliance for Training and Employment accounts are hereby appropriated; provided, however, that the expenditure thereof shall

be subject to transfers approved as prescribed in section 3 of this act.

The portion of the appropriation made to or on behalf of the Employment Development Services Program Element which represents General State funds, may be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

In addition to the appropriation hereinabove made in the Vocational Rehabilitation Services Program Element, recoveries of the State share of expenditures made in the year ending June 30, 1974, together with those made in prior fiscal years are hereby appropriated.

The portion of the appropriation made to or on behalf of the Vocational Rehabilitation Services Program Element, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The unexpended balance of State funds as of June 30, 1973 for the Vocational Rehabilitation Section II program is hereby appropriated to match Federal support beyond that now anticipated for fiscal year 1973-74.

The unexpended balances as of June 30, 1973 in the Vocational Rehabilitation Services Program Element and in the Sheltered Workshop support and Rehabilitation Center grants accounts are hereby appropriated for the same purposes.

*Occupational Safety and Health, Labor Standards and
Labor Relations*

54100. *Occupational Safety and Health*

54110.	Protection of Employee Health and Safety	\$1,734,067
54120.	Protection of Migrant Farm Workers	342,919
Total Appropriation		\$2,076,986

Salaries:

Officers and employees (\$1,839,361)
 Materials and Supplies (43,700)
 Services Other Than Personal (173,025)

Maintenance of Property:

Recurring (900)

Extraordinary:

Occupational safety and health admin-
 istration and program support—
 State share (20,000)

The portion of the appropriation made to or on be-
 half of the Occupational safety and health ad-
 ministration and program support account in the
 Protection of Employee Health and Safety Pro-
 gram Element which represents general State
 funds shall be expended on the several matching
 bases in proportion to anticipated Federal funds
 which are received or receivable.

54200. *Labor Standards*

54210. Regulation of Hazards Due to Boilers and Pressure Vessels	\$226,572
54220. Protection of Workers Earnings and Work- ing Conditions	951,978
Total Appropriation	\$1,178,550

Salaries:

Officers and employees (\$1,043,150)
 Materials and Supplies (24,700)
 Services Other Than Personal (108,600)

Maintenance of Property:

Recurring (1,225)
 Non-Recurring and Replacements .. (875)

Such sums as may be necessary for payments out of
 the Wage and Hour Trust Fund established pur-
 suant to C.34:11-56a et seq. and the Prevailing
 Wage Act Trust Fund established pursuant to
 C.34:11-56 et seq. are hereby appropriated.

54300. *Labor Relations*

54310. Public Sector	\$404,439
54320. Private Sector	195,492
Total Appropriation	\$599,931

Salaries:

Board members (7)	(\$9,000)
Officers and employees	(431,994)
Positions transferred from another	
Department	(16,244)
New positions	(12,591)
Materials and Supplies	(9,560)
Services Other Than Personal	(116,700)

Maintenance of Property:

Recurring	(800)
Non-Recurring and Replacements ..	(1,820)
Additions and Improvements	(1,222)

*Departmental Management and Economic Development*59100. *Departmental Management and General Support*

59110. Departmental Management	\$426,455
59120. Planning and Research	299,618

Total Appropriation	\$726,073
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Salaries:

Commissioner	(\$38,000)
Officers and employees	(569,825)
Positions transferred from another	
Subcategory	(5,288)
Materials and Supplies	(16,400)
Services Other Than Personal	(94,160)

Maintenance of Property:

Recurring	(1,900)
Non-Recurring and Replacements ..	(500)

The unexpended balance as of June 30, 1973 in the revolving fund created pursuant to P.L. 1967, c. 63 for the purpose of printing and reprinting literature, maps, Workmen's Compensation proceedings and other publications and printed mat-

ter for sale, together with receipts derived from such sales, are hereby appropriated.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the data processing center, together with the unexpended balance of such receipts as of June 30, 1973, for the purpose of operating the data processing center, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

59200. *Economic Development*

59210. Expansion and Growth of Commerce and Industry	\$840,098
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Total Appropriation	\$840,098
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Salaries:

Officers and employees	(\$ 175,304)
Materials and Supplies	(2,726)
Services Other Than Personal	(61,068)

Maintenance of Property:

Recurring	(500)
Non-Recurring and Replacements ..	(500)

Extraordinary:

Economic development assistance ..	(100,000)
State office, World Trade Center ..	(100,000)
Promotional expense	(400,000)

The unexpended balance as of June 30, 1973, in the State office, World Trade Center account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1973 in the New Jersey Area Redevelopment Authority account is hereby appropriated for the same purpose.

Total Appropriation, Department of Labor and Industry	\$26,823,393
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400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Environmental Management*41300. *Resource Management*

41310. Water Supply Management	\$933,055
41320. Forest Resource Management	1,504,122
41330. Marine Lands Management	758,256
41340. Solid Waste Management	204,689
41350. Shellfish Resource and Development	132,746
41360. Geology Topography	249,793
41370. Wildlife and Fisheries Management:	
Hunters' and Anglers' License Fund	2,121,021
Public Shooting and Fishing Grounds Fund	709,472
 Total Appropriation	 \$6,613,154

Salaries:

Officers and employees	(\$3,835,392)
New positions	(65,813)
Materials and Supplies	(615,700)
Services Other Than Personal	(362,499)

Maintenance of Property:

Recurring	(109,750)
Non-Recurring and Replacements ..	(322,690)

Extraordinary:

Office of Rivermaster—State share ..	(19,000)
Groundwater exploratory program ..	(150,000)
Stream gauging stations	(69,500)
Flood plain zoning and warning ser-	
vice	(15,600)
Gypsy moth control on State-owned	
lands	(50,000)
Surface water diversion	(12,500)
Fire fighting costs	(130,000)
Flood plain control	(100,000)
Wetlands—Inventory, mapping and	
administration	(500,000)
Expenses of the Natural Resource	
Council	(25,000)
Compensation awards	(12,000)

Hackensack Negotiation Board appraisal services	(10,000)
Oyster seed bed monitoring	(20,000)
Shelling and seeding beds contingent upon an equal sum being provided by the Federal government ..	(53,000)
Disease resistant oyster program ..	(6,250)
Deer management	(10,000)
Surface water quality program	(5,500)
Delaware River basin study	(12,500)
Dike maintenance	(4,500)
Atlantic Flyway	(2,060)
Oak Mast production project	(5,650)
Additions and Improvements	(88,250)

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed \$750,000 out of aggregate revenue produced pursuant to C.58:22-10; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There is hereby appropriated so much of the balance of the accumulated aggregate revenue as the Director of the Division of Budget and Accounting may determine as reimbursement to the General State Fund as provided in C.58:22-10.

The unexpended balance as of June 30, 1973 in the Fire fighting costs account is hereby appropriated for the same purpose.

The unexpended balances as of June 30, 1973 in the Expenses of the Natural Resource Council and Wetlands—inventory, mapping and administration accounts are hereby appropriated for the same purposes.

There is hereby appropriated from receipts derived from the sales, grants, leases and rentals of State riparian lands a sum of \$200,000 for delineation and title determination of the State riparian lands; provided, however, that the expenditures

thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 in the revolving fund created, pursuant to P.L. 1972, c. 73, for the purpose of providing outside appraisals for conveyances of riparian properties within the Hackensack Meadowland District, together with receipts derived from the sale of riparian properties which represent reimbursements for appraisal services, are hereby appropriated.

Of the sum provided herein in the Shelling and seeding beds account, a sum not to exceed \$3,000 may be available without Federal matching, for the storing and loading of shells as provided for in C.50:3-20.10 et seq.

The unexpended balances as of June 30, 1973 in the revolving funds created, pursuant to P.L. 1959, c. 106 and P.L. 1972, c. 73, for the purpose of printing, reprinting or purchasing literature, material and maps for sale and receipts derived from such sales are hereby appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said fund and any amount remaining therein shall be appropriated for additional operating costs; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amount hereinabove for the Public Shooting and Fishing Grounds Fund shall be payable out of said fund and any amount remaining therein shall be appropriated for additional costs of operation and for 50% of the amounts payable pursuant to R.S. 54:4-2.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 in the Flood plain control account is hereby appropriated.

The unexpended balance as of June 30, 1973 in the Natural Lands Trust account is hereby appropriated.

41400. *Pollution Control*

41410. Air Pollution	\$2,370,059
41420. Radiation Protection	375,969
41430. Pesticide Control	54,000
41440. Water Quality	1,648,857
41450. Noise Control	70,000
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Total Appropriation	\$4,518,885
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Salaries:

Officers and employees	(\$3,159,964)
New positions	(56,676)
Positions established in lieu of appropriated revenue	(147,595)
Materials and Supplies	(227,500)
Services Other Than Personal	(235,250)

Maintenance of Property:

Recurring	(102,100)
Non-Recurring and Replacements ..	(25,300)

Extraordinary:

Clean air scholarship intern pro- gram, pursuant to C.26:2C-24 ...	(36,000)
Pesticide regulation	(54,000)
Water quality investigation	(21,000)
Oxygen resource studies	(3,000)
Sediment pollution studies	(2,000)
Laboratory services	(240,000)
Temperature of surface waters— New Jersey	(5,000)
Clean water scholarship intern pro- gram, pursuant to C.26:2E-11 ...	(36,000)
Water quality monitoring	(30,000)

Time of travel studies	(5,000)
Classification of ocean waters	(15,000)
Noise control council, pursuant to P.L. 1971, c. 418	(70,000)
Additions and Improvements	(47,500)

The portion of the appropriation made to or on behalf of Air Pollution and Water Quality Program Elements which represent general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

There is hereby appropriated from the Water Conservation Fund the sum of \$100,000 for costs attributable to engineering, planning, developing and constructing regional waste water treatment plants.

The unexpended balance as of June 30, 1973 in the Noise control council account is hereby appropriated for the same purpose.

Recreation Management

46100. Recreation Opportunities

46110. Parks Management	\$4,772,330*
46120. Recreational Boating	739,942
46120. Boat Regulation Commission	756,820
46130. Marina Operations	249,733
 Total Appropriation	 \$6,518,825*

Salaries:

Officers and employees	(\$4,316,779)
New positions	(121,870)
Positions transferred from another Subcategory	(64,363)
Materials and Supplies	(548,450)
Services Other Than Personal	(480,213)*

Maintenance of Property:

Recurring	(318,450)
Non-Recurring and Replacements ..	(479,700)

Extraordinary:

Maintenance, Old Barracks, Trenton	
—State share	(32,000)
Host State—National Association of State Boating Laws Administra- tors	(2,000)
Renovation of the VanBunschooten House	(15,000)
Compensation awards	(14,500)
Additions and Improvements	(125,500)

The amount hereinabove for the operation, maintenance, and administration of Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General State Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The unexpended balance as of June 30, 1973 in the revolving fund created, pursuant to P.L. 1967, c. 63, for the purchase of merchandise for sale, together with receipts derived from such sales, are hereby appropriated.

The amount hereinabove for the Boat Regulation Commission, shall be payable out of the New Jersey Boat Numbering Act revolving fund and any amount remaining therein is hereby appropriated to carry out the provision of C.12:7-34.36 et seq.; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The sum provided herein for renovation of the VanBunschooten House shall only be available for expenditure provided that the Daughters of the American Revolution enter into an agreement with the State to preserve the property in perpetuity and further provided that the Daughters of the American Revolution, or its supporters contribute not less than \$10,000 as their share of such renovation.

*Management and General Support*49100. *Department Management*

49110. Department Management and Administrative Services	\$2,024,865
49120. Program Management	759,292
49130. Debt Service—Interest on Bonds	8,017,994
Total Appropriation	\$10,802,151

Salaries:

Commissioner	(\$38,000)
Officers and employees	(956,741)
New positions	(30,670)
Positions transferred from another Subcategory	(12,121)
Materials and Supplies	(18,450)
Services Other Than Personal	(849,175)

Maintenance of Property:

Recurring	(3,950)
Non-Recurring and Replacements ..	(2,300)

Extraordinary:

Youth conservation and recreational projects	(500,000)
Environmental impact statement as assessment	(20,000)
Statewide design program	(205,000)
Payment in lieu of taxes on real property acquired pursuant to C.58:21A-1 et seq., C.58:21B-1 et seq., and P.L. 1971, c. 165	(75,000)
Board of New Jersey Pilot Commissioners	(40,400)
Compensation awards	(6,750)
Interest on Water Development Bonds—P.L. 1958, c. 35	(999,500)
Interest on State Recreation and Conservation Land Acquisition Bonds—P.L. 1961, c. 46	(1,107,200)
Interest on Water Conservation Bonds—P.L. 1969, c. 127	(3,429,794)

Interest on State Recreation and
Conservation Land Acquisition
Bonds—P.L. 1971, c. 165 (2,481,500)
State contribution to Bridgeton Mu-
nicipal Zoo (25,000)
Additions and Improvements (600)

Receipts derived from the rental of property ac-
quired pursuant to C.58:21A-1 et seq., C.58:21B-1
et seq. and P.L. 1971, c. 165, together with the
unexpended balance of such receipts as of June
30, 1973, are hereby appropriated for payments
in lieu of taxes on such properties and for the
maintenance of such properties; provided, how-
ever, that the expenditure thereof shall be subject
to transfers approved as prescribed in section 3
of this act.

The amount hereinabove in the Board of New Jersey
Pilot Commissioners account shall be payable out
of receipts, and any receipts in excess of the
amounts specifically set forth above are hereby
appropriated; provided, however, that the ex-
penditure thereof shall be subject to transfers ap-
proved as prescribed in section 3 of this act.

49200. *South Jersey Port Corporation*

49210. South Jersey Port Corporation	\$1,007,377
Total Appropriation	<u>\$1,007,377</u>

Extraordinary:

Debt Service Reserve Fund require- ment, pursuant to C.12:11A-14 ..	(\$320,777)
Property Tax Reserve Fund requirement, pursuant to C.12:11A-20	(686,600)

49300. *Pinelands Environmental Council*

49310. Pinelands Environmental Council	\$49,550
Total Appropriation	<u>\$49,550</u>

Extraordinary:

Expenses of the Pinelands Environmental Council contingent upon an equal sum being provided by the municipalities and the boards of freeholders of the respective constituent counties	(\$49,550)	
Total Appropriation, Department of Environmental Protection		<u>\$29,509,942*</u>

500. DEPARTMENT OF EDUCATION

*General Assistance for Public and Non-Public Education*31100. *Financial Assistance to Local School Districts*

31104. School Building Aid	\$204,103
31105. Pupil Transportation	18,038
31109. Early Childhood Program	20,913
31111. Adult and Continuing Education	41,059
Total Appropriation	<u>\$284,113</u>

Salaries:

Officers and employees	(\$246,340)
Position transferred from another Subcategory	(20,913)
Materials and Supplies	(3,000)
Services Other Than Personal	(13,860)

The unexpended balance as of June 30, 1973 in the Inspection of school construction account in the School Building Aid Program Element, together with receipts derived therefrom, are hereby appropriated for the purpose of meeting the costs of conducting such inspections.

The unexpended balance as of June 30, 1973 in the General education development test program account in the Adult and Continuing Education Program Element, together with receipts derived therefrom, are hereby appropriated as a revolving fund.

31200. *General Assistance Programs for Public Schools*

31210. Curriculum Services	\$296,009
31220. Teacher Education and Certification	347,340
31240. Educational Improvement Center	250,000
31260. Resolution of School Controversies and Disputes	241,352
31270. Drug Control Programs	100,000
31280. Equal Educational Opportunity Programs	24,205
31290. Aid for Equipment	182,844
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Total Appropriation	\$1,441,750
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Salaries:

Officers and employees	(\$677,173)
New positions	(44,740)
Materials and Supplies	(14,000)
Services Other Than Personal	(100,837)

Extraordinary:

Regional Educational Improvement Center	(250,000)
Drug control programs relating to education pursuant to P.L. 1970, c. 228 and 229 and P.L. 1971, c. 55	(100,000)
NDEA—State share	(165,000)
Teacher Certification Performance Evaluation	(90,000)

The unexpended balance as of June 30, 1973 in the revolving fund created pursuant to P. L. 1967, c. 63, for the purpose of printing and reprinting literature for sale, and for the purchase and sale of films, and receipts derived from such sales are hereby appropriated.

*Programs for Specific Groups and Limited Purposes*32100. *Programs for the Disadvantaged and Handicapped*

32110. Programs for the Disadvantaged and Handicapped	\$451,428
32120. Model Cities	87,855
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Total Appropriation	\$539,283
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Salaries:

Officers and employees	(\$330,316)
Positions transferred from another	
Subcategory	(86,024)
Materials and Supplies	(4,000)
Services Other Than Personal	(18,943)

Extraordinary:

Services for the Deaf, Pending	
Amendment of P.L. 1941, c. 197 ..	(100,000)

The unexpended balance as of June 30, 1973 in the Regional day school centers account is hereby appropriated.

The unexpended balance as of June 30, 1973 in the Operation of regional day school centers account, together with receipts derived from tuition charges are hereby appropriated for the costs of such operation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

32500. *Career Development*

32510. General Vocational Education	\$872,793
32530. Newark Skills Center	14,817

Total Appropriation	<hr/> \$887,610 <hr/>
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Salaries:

Officers and employees	(\$482,930)
New positions	(12,317)
Materials and Supplies	(4,700)
Services Other Than Personal	(12,663)

Extraordinary:

Vocational teacher training	(60,000)
Teacher training	(315,000)

*Direct Public Services*34100. *Programs for the Deaf*

34110. Marie H. Katzenbach School for the Deaf ..	\$3,032,587
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Total Appropriation	<hr/> \$3,032,587 <hr/>
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Salaries:

Officers and employees	(\$2,578,540)
Food in lieu of cash	(20,432)
Materials and Supplies	(248,600)
Services Other Than Personal	(65,319)

Maintenance of Property:

Recurring	(32,900)
Non-Recurring and Replacements ..	(70,750)

Extraordinary:

Compensation awards	(1,046)
Additions and Improvements	(15,000)

34200. *Programs for the State Library and Historical Commission*

34210. State Library and Historical Commission. \$1,418,625

Total Appropriation	<u>\$1,418,625</u>
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Salaries:

Officers and employees	(\$960,978)
New positions	(20,539)
Materials and Supplies	(184,050)
Services Other Than Personal	(87,292)

Maintenance of Property:

Recurring	(774)
Non-Recurring and Replacements ..	(8,000)

Extraordinary:

New Jersey Historical Commission ..	(152,842)
Additions and Improvements	(4,150)

The unexpended balances as of June 30, 1973 in the Microfilm program and Photocopy services accounts are hereby appropriated for the same purposes.

The unexpended balances as of June 30, 1973 in the New Jersey Bicentennial Celebration, New Jersey Historical Commission and Record storage facility accounts are hereby appropriated for the same purposes.

34300. *Programs for the State Museum and New Jersey School of the Arts*

34310. State Museum and New Jersey School of the Arts	\$1,076,530
Total Appropriation	<u>\$1,076,530</u>

Salaries:

Officers and employees	(\$791,693)
Materials and Supplies	(56,150)
Services Other Than Personal	(75,287)

Maintenance of Property:

Recurring	(5,900)
Non-Recurring and Replacements ..	(5,400)

Extraordinary:

Magic Muse Operation	(38,000)
Acquisitions of art and historical objects	(100,000)
Scientific research	(4,000)
Additions and Improvements	(100)

The unexpended balance as of June 30, 1973 in the New Jersey School of the Arts account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1973 in the Revolving fund—Museum shop, created for the purpose of printing literature and maps for sale and for purchase of merchandise for sale, together with the receipts derived from such sales, are hereby appropriated.

The unexpended balance as of June 30, 1973 in the Revolving fund—Films, together with receipts from charges made for mailing and handling of films, are hereby appropriated to be used to replace damaged or lost films and for the maintenance and replacement of equipment and purchase of supplies needed for this operation.

*Department Planning Management and General Support*39100. *Department Planning and Management*

39110. Commissioner's Office	\$687,558
39130. Planning, Evaluation, Research and Program Development	1,598,302
Total Appropriation	<u>\$2,285,860</u>

Salaries:

Commissioner	(\$38,000)
Officers and employees	(720,815)
Materials and Supplies	(18,100)
Services Other Than Personal	(107,480)

Extraordinary:

Learning institutes, pursuant to P.L. 1970, c. 122	(400,000)
Our schools	(25,000)
Statewide testing	(617,131)
Environmental education, pursuant to P.L. 1971, c. 279	(85,000)
Technology for children	(116,334)
State Board of Education expenses	(8,000)
Teen arts festival	(15,000)
Center for Consumer Education Services, Edison Township	(75,000)
In-service training for High school teachers in the role of Negroes in American History	(60,000)

39200. *General Support*

39210. Management Information System	\$140,000
39220. Other General Support	715,647
Total Appropriation	<u>\$855,647</u>

Salaries:

Officers and employees	(\$579,175)
New positions	(20,731)
Materials and Supplies	(6,700)
Services Other Than Personal	(41,544)

Maintenance of Property:

Recurring	(8,635)
Non-Recurring and Replacements ..	(1,224)

Extraordinary:

Word processing center	(28,500)
Relocation expenses	(25,000)
Management information system ..	(140,000)
Additions and Improvements	(4,138)

The unexpended balance as of June 30, 1973 in the revolving fund for printing and purchasing school law decisions and other publications and printed materials, together with the receipts derived from the sale of such items, are hereby appropriated for the purpose of printing and purchasing such materials and publications for resale.

Total Appropriation, Department of Education	\$11,822,005
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Of the amount hereinabove appropriated to the Department of Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Drug control programs relating to education	\$100,000
Regional Educational Improvement Center	250,000
Services for the deaf pending amendment of P.L. 1941, c. 197	100,000
Additional services and costs of Marie H. Katzenbach School for the Deaf	37,385
Magic Muse Operation	38,000
Technology for Children	116,334
Teen Arts Festival	15,000

Total Appropriation From State Lottery Fund	\$656,719
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540. DEPARTMENT OF HIGHER EDUCATION

39000. *Department Management and General Support*

39110.	Administration	\$3,112,201
39210.	Support Services	9,764,046
39910.	New Jersey Educational Opportunity Fund	15,682,523
39920.	Scholarships and Loans	14,681,163
Total Appropriation		<u>\$43,239,933</u>

Salaries:

Chancellor	(\$38,000)
Officers and employees	(1,516,420)
New positions	(21,000)
Materials and Supplies	(68,350)
Services Other Than Personal	(399,259)

Maintenance of Property:

Recurring	(3,100)
Non-Recurring and Replacements ..	(3,000)

Extraordinary:

Board of Higher Education ex- penses	(3,000)
Computer network planning and im- plementation	(600,000)
Council for Higher Education in Newark	(134,500)
Research and development program	(500,000)
College information system and higher education management system	(100,000)
Central library computerized proc- essing center	(160,000)
Thomas A. Edison College	(250,000)
New computer program development	(200,000)
Interest on Public Building Con- struction Bonds—P.L. 1968, c. 128	(7,336,916)
Interest on State Higher Education Bonds—P.L. 1959, c. 10	(357,000)
Interest on State Higher Education Construction Bonds—P.L. 1964, c. 142	(1,091,200)

Interest on Higher Education Building Construction Bonds—P.L. 1971, c. 164	(978,930)
Educational Opportunity Fund	
Board expenses	(1,500)
Opportunity grants	(12,155,000)
Supplementary educational program grants	(3,297,000)
Scholarships and Student Loans:	
Scholarships, pursuant to NJS 18A:71-4	(6,155,558)
Incentive grants, pursuant to NJS 18A:71-18	(2,000,000)
Tuition aid grants, pursuant to NJS 18A:71-41 et seq.	(4,000,000)
County college graduate scholarships, pursuant to NJS 18A:71-2 et seq.	(365,000)
For allocation by the Board of Higher Education to appropriate components of the Student aid program to assist students who attend State higher education institutions in meeting all or part of the additional tuition costs resulting from the general tuition increase adopted by resolution of the Board of Higher Education on January 21, 1972; provided, that a plan for allocation of the funds shall first be approved by the Director of the Division of Budget and Accounting	(1,500,000)
Additions and Improvements	(5,200)
The unexpended balance as of June 30, 1973 in the Scholarships and student loans account is hereby appropriated for Scholarships, pursuant to NJS 18A:71-4.	
The unexpended balances as of June 30, 1973 in the Auxiliary Services Equalization Fund, Veterinary medicine education program, Planning new	

State college, Research and development program, College information system and higher education management system, Edwin Aldrin Scholarship Fund, Aid to Students due to tuition increase and Computer network planning and implementation accounts are hereby appropriated.

Receipts from fees charged by the Thomas A. Edison College are hereby appropriated for operational expenses of the College.

33000. *Higher Education Institutional Programs*

550-100. *Glassboro State College*

33110.	Instruction	\$7,264,315
33130.	Extension and Public Service	639,222
33240.	Auxiliary Services	1,105,640
33950.	Academic Support	1,299,112
33960.	Student Services	1,197,620
33970.	Institutional Support	3,002,987*
Total Appropriation		<u>\$14,508,896*</u>

Salaries:

Officers and employees	(\$10,167,356)
New positions	(169,997)
Student aids	(121,638)
Materials and Supplies	(888,208)
Services Other Than Personal	(758,661)*

Maintenance of Property:

Recurring	(103,926)
Non-Recurring and Replacements ..	(67,778)

Extraordinary:

NDEA student loan fund—State share	(44,567)
College work-study program—State share	(64,733)
Extension and public service	(639,222)
Auxiliary services	(1,105,640)
Student center support	(76,000)
Additions and Improvements	(301,170)

551-100. *Jersey City State College*

33110. Instruction	\$7,418,412
33130. Extension and Public Service	373,000
33240. Auxiliary Services	128,000
33950. Academic Support	581,339
33960. Student Services	941,650
33970. Institutional Support	2,799,772
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Total Appropriation	\$12,242,173
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Salaries:

Officers and employees	(\$8,795,883)
New positions	(266,920)
Student aides	(120,000)
Materials and Supplies	(766,491)
Services Other Than Personal	(559,871)

Maintenance of Property:

Recurring	(79,466)
Non-Recurring and Replacements..	(95,548)

Extraordinary:

Student center support	(69,000)
NDEA student loan fund—State share	(22,000)
College work-study program—State share	(95,000)
Extension and public service	(373,000)
Auxiliary services	(128,000)
A. Harry Moore Laboratory School— Operating expenses	(528,000)
Additions and Improvements	(342,994)

All tuition and other receipts from the operation of A. Harry Moore Laboratory School of Jersey City State College in excess of \$528,000 are hereby appropriated for additional operating expenses of the school; provided, however, that the expenditure shall be subject to transfers approved as prescribed in section 3 of this act.

552-100. *Newark State College*

33110. Instruction	\$7,925,841
33130. Extension and Public Service	498,210
33240. Auxiliary Services	600,000
33950. Academic Support	876,403
33960. Student Services	1,398,696
33970. Institutional Support	3,455,606
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Total Appropriation	\$14,754,756
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Salaries:

Officers and employees	(\$10,419,619)
New positions	(592,187)
Student aides	(190,000)
Materials and Supplies	(1,016,813)
Services Other Than Personal	(711,941)

Maintenance of Property:

Recurring	(115,727)
Non-Recurring and Replacements ..	(145,103)

Extraordinary:

NDEA student loan fund—State share	(18,000)
College work-study program—State share	(20,000)
Student center support	(87,380)
Extension and public service	(498,210)
Auxiliary services	(600,000)
Additions and Improvements	(339,776)

553-100. *The William Paterson College of New Jersey*

33110. Instruction	\$8,389,500
33130. Extension and Public Service	390,000
33240. Auxiliary Services	388,000
33950. Academic Support	702,793
33960. Student Services	1,070,834
33970. Institutional Support	3,880,063
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Total Appropriation	\$14,821,190
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Salaries:

Officers and employees	(\$9,764,955)
New positions	(1,183,761)
Student aides	(165,000)
Materials and Supplies	(925,649)
Services Other Than Personal	(554,263)

Maintenance of Property:

Recurring	(77,956)
Non-Recurring and Replacements ..	(234,301)

Extraordinary:

NDEA student loan fund—State share	(26,670)
College work-study program—State share	(66,670)
Student center support	(86,000)
Extension and public service	(390,000)
Auxiliary services	(388,000)
Additions and Improvements	(957,965)

554-100. *Montclair State College*

33110. Instruction	\$10,828,102
33130. Extension and Public Service	960,560
33240. Auxiliary Services	364,800
33950. Academic Support	954,943
33960. Student Services	1,385,155
33970. Institutional Support	4,410,680

Total Appropriation	\$18,904,240
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Salaries:

Officers and employees	(\$12,518,564)
New positions	(1,082,598)
Student aides	(315,000)
Materials and Supplies	(1,256,357)
Services Other Than Personal	(741,100)

Maintenance of Property:

Recurring	(191,976)
Non-Recurring and Replacements ..	(363,649)

Extraordinary:

NDEA student loan fund—State share	(33,579)
College work-study program—State share	(30,960)
Closed circuit television	(40,000)
New Jersey State School of Conservation	(280,551)
Extension and public service	(960,560)
Auxiliary services	(364,800)
Student center support	(112,000)
Additions and Improvements	(612,546)

Of the amount hereinabove in the New Jersey State School of Conservation account, the sum of \$230,551 shall be payable out of receipts derived from the operation of this school, and receipts in excess of the amount hereinabove specifically set forth, together with the unexpended balance of such receipts as of June 30, 1973 are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

555-100. *Trenton State College*

33110. Instruction	\$8,486,394
33130. Extension and Public Service	581,750
33240. Auxiliary Services	1,780,668
33950. Academic Support	762,552
33960. Student Services	1,334,109
33970. Institutional Support	3,418,125
Total Appropriation	\$16,363,598

Salaries:

Officers and employees	(\$10,533,962)
New positions	(439,648)
Student aides	(215,690)
Materials and Supplies	(873,817)
Services Other Than Personal	(677,251)

Maintenance of Property:

Recurring	(112,068)
Non-Recurring and Replacements ..	(141,609)

Extraordinary:

Fire detection and alarm	(60,000)
Student center support	(80,000)
NDEA student loan fund—State share	(40,500)
College work-study program—State share	(6,000)
Nursing loan and scholarship	(5,500)
Demonstration school service	(210,000)
Child study and demonstration center	(100,982)
Extension and public service	(581,750)
Auxiliary services	(1,780,668)
Additions and Improvements	(504,153)

556–100. Ramapo College of New Jersey

33110. Instruction	\$3,420,902
33130. Extension and Public Service	112,000
33240. Auxiliary Service	133,000
33950. Academic Support	606,957
33960. Student Services	546,176
33970. Institutional Support	1,736,783
Total Appropriation	\$6,555,818

Salaries:

Officers and employees	(\$3,245,410)
New positions	(863,805)
Student aides	(80,000)
Materials and Supplies	(694,720)
Services Other Than Personal	(431,279)

Maintenance of Property:

Recurring	(52,377)
Non-Recurring and Replacements ..	(45,725)

Extraordinary:

NDEA student loan fund—State share	(38,888)
College work-study program—State share	(38,760)
Student center support	(28,000)
Extension and public service	(112,000)
Auxiliary services	(133,000)
Additions and Improvements	(791,854)

557-100. *Richard Stockton State College*

33110. Instruction	\$2,726,394
33130. Extension and Public Service	122,000
33240. Auxiliary Services	163,662
33950. Academic Support	739,496
33960. Student Services	581,072
33970. Institutional Support	1,990,035
Total Appropriation	<hr/> \$6,322,659 <hr/>

Salaries:

Officers and employees	(\$3,133,444)
New positions	(1,079,329)
Student aides	(79,851)
Materials and Supplies	(814,745)
Services Other Than Personal	(380,884)

Maintenance of Property:

Recurring	(70,064)
Non-Recurring and Replacements ..	(33,303)

Extraordinary:

Student center support	(25,000)
NDEA student loan fund—State share	(13,500)
College work-study program—State share	(22,000)
Extension and public service	(122,000)
Auxiliary services	(163,662)
Additions and Improvements	(384,877)

The amounts appropriated to the various State colleges for Student aides within the Student Services Program shall constitute the appropriation to carry out the provisions of NJS 18A:64-17; provided, however, that payment for the value of work performed by students may be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

Receipts in excess of those anticipated from the operation of cafeterias and boarding halls are hereby appropriated.

Receipts in excess of those anticipated from regular tuition are hereby appropriated subject to approval by the Chancellor of Higher Education.

Receipts at all State colleges from fees for student service charges and parking fees, together with the unexpended balance of such funds as of June 30, 1973 are hereby appropriated.

The amount hereinabove appropriated for the Extension and Public Service program shall be payable out of the receipts derived therefrom, and any receipts in excess of the amounts anticipated together with the unexpended balance of such receipts as of June 30, 1973 are hereby appropriated.

So much of the Auxiliary Services Income realized from the several State colleges which is not pledged for the payment of principal and interest on bonds of this State and which is in excess of the sums required for the operation and maintenance of such Auxiliary Service facilities, together with the unexpended balance as of June 30, 1973 are hereby appropriated as provided by NJS 18A:64-18.

So much as is appropriated herein for additional costs relating to increased full-time and part-time enrollment, exclusive of Extension and Public Service, shall be withheld by the Director of the Division of Budget and Accounting to the extent

that the actual weighted enrollment shall be more than 1% below the anticipated weighted enrollment. The count of weighted enrollment shall be consistent with the Equivalent Credit Hour system as defined by the Board of Higher Education resolution of December 15, 1972.

With respect to the transfer of funds between items of appropriation as provided in C.52:27B-28 and Section 3 of this act, the Program Element accounts shall be deemed to be the primary expenditure accounts as provided for in NJS 18A:64-6f.

Notwithstanding the provisions of NJS 18A:72A-26, 27 and 27.1 no Board of Trustees of a State college shall enter into an agreement with the Educational Facilities Authority for housing facilities for students without first securing written authorization for such agreement from the Director of the Division of Budget and Accounting.

Rutgers, The State University

570-100. General University

33110.	Instruction	\$51,570,909
33130.	Extension and Public Service	2,415,354
33240.	Auxiliary Services	19,691,050
33950.	Academic Support	5,270,383
33960.	Student Services	8,965,928
33970.	Institutional Support	24,162,182*
Sub-Total, General Operations		\$112,075,806*
Special Funds expense		25,000,000
Total All Operations		\$137,075,806*
<i>Less:</i>		
	<i>General Services income</i>	<i>\$28,590,391</i>
	<i>Special Funds income</i>	<i>25,000,000</i>
	<i>Auxiliary Services income</i>	<i>19,691,050</i>
Total Income Deductions		73,281,441

Appropriation, Exclusive of Land

Grant Interest	\$63,788,565*
Land Grant Interest	5,800

Sub-Total Appropriation, General University \$63,794,365*

Salaries:

Officers and employees	(\$68,465,571)
New positions	(2,027,861)
Student assistants	(423,189)
Materials and Supplies	(7,258,025)
Services Other Than Personal	(6,438,944)*

Maintenance of Property:

Recurring	(1,435,289)
Non-Recurring and Replacements ..	(816,869)

Extraordinary:

Research grants	(250,000)
Major renovations	(100,000)
Retirement allowances	(479,700)
Interest	(46,500)
Contingent fund	(105,000)
Graduate and Law School fellow- ships	(62,000)
Student aid	(1,936,688)
College work-study program—State share	(250,000)
To provide an adequate program for guidance of public employers in employee-management relations, pursuant to the provision of C.34:13A	(50,000)
Special projects	(1,250,000)
Counsel for legal education and pro- fessional responsibility	(12,000)
Additions and Improvements	(977,120)
Special Funds expense	(25,000,000)
Auxiliary Funds expense	(19,691,050)

Less:

General Services income	(28,590,391)
Special Funds income	(25,000,000)
Auxiliary Services income	(19,691,050)

So much as is appropriated herein for additional costs relating to increased full-time and part-time enrollment shall be withheld by the Director of the Division of Budget and Accounting to the extent that the actual weighted enrollment shall be more than 1% below the anticipated weighted enrollment. The count of weighted enrollment shall be consistent with the Equivalent Credit Hour system as defined by the Board of Higher Education resolution of December 15, 1972.

Of the amount hereinabove, so much as may be necessary shall be made available for the establishment of evening law schools at the Newark and Camden campuses, to be operational in 1974-75.

572-100. *Agricultural Experiment Station*

33110. Separately Budgeted Research	\$4,954,582*
33120. Sponsored Research and Other Sponsored Programs	2,118,023
33130. Extension and Public Service	2,502,232
33950. Academic Support	22,528
33970. Institutional Support	834,176
Sub-Total General Operations	\$10,431,541*
Special Funds expense	2,300,000
Total All Operations	\$12,731,541*
Less:	
General Services income	\$2,172,596
Special Funds income	2,300,000
Total Income Deductions	4,472,596
Sub-Total Appropriation, Agricultural Experiment Station	\$8,258,945*
Salaries:	
Officers and employees	(\$8,569,835)
Student wages	(40,700)
Materials and Supplies	(852,104)
Services Other Than Personal	(380,503)

Maintenance of Property:

Recurring	(173,100)
Non-Recurring and Replacements ..	(165,341)

Extraordinary:

South Jersey Research Center	(35,000)
Asparagus research	(40,000)
Operation of Willowood Farm	
Arboretum and Bird Sanctuary ..	(15,000)
Blackbird control	(15,000)
Student aid	(5,000)
Improve asparagus marketing	
systems	()*
Additions and Improvements	(139,958)
Special Funds expense	(2,300,000)

Less:

General Services income	(2,172,596)
Special Funds income	(2,300,000)

The unexpended balance as of June 30, 1973 in the Separately Budgeted Research Element is hereby appropriated.

Total Appropriation, Rutgers, The State University	<u>\$72,053,310*</u>
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573. *College of Medicine and Dentistry of New Jersey*573-100. *Central Administration*

33970. Institutional Support	<u>\$641,741</u>
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Sub-Total Appropriation, Central Administration	<u>\$641,741</u>
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573-101. *New Jersey Medical School—Newark*

33110. Instruction	\$7,705,118
33120. Organized Research	8,899,000
33240. Auxiliary Services	187,124

33950. Academic Support	401,464
33960. Student Services	178,423
33970. Institutional Support	2,627,390

Sub-Total Appropriation, All Operations...	\$19,998,519
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Less:

<i>General Services income</i>	<i>\$1,089,250</i>
<i>Special Services income</i>	<i>8,899,000</i>
<i>Auxiliary Services income</i>	<i>187,124</i>

<i>Total Income Deductions</i>	<i>10,175,374</i>
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Sub-Total Appropriation, New Jersey Medical School—Newark	\$9,823,145
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573-102. *Rutgers Medical School*

33110. Instruction	\$6,248,049
33120. Organized Research	2,568,254
33130. Extension and Public Service—Rutgers Community Health Center	2,242,452
33950. Academic Support	120,000
33960. Student Services	88,309
33970. Institutional Support	2,256,500

Sub-Total Appropriation, All Operations...	\$13,523,564
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Less:

<i>General Services income</i>	<i>\$463,750</i>
<i>Special Services income</i>	<i>2,582,321</i>
<i>Community Mental Health Center</i> ..	<i>2,242,452</i>

<i>Total Income Deductions</i>	<i>5,288,523</i>
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Sub-Total Appropriation, Rutgers Medical School	\$8,235,041
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573-103. *College-Wide Programs*

33110.	Instruction	\$803,985
33120.	Organized Research	334,998
33960.	Student Services	95,368
33970.	Institutional Support	1,301,681

Sub-Total Appropriation, College-Wide Programs	<u>\$2,536,032</u>
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573-104. *New Jersey Dental School—Newark*

33110.	Instruction	\$2,995,982
33120.	Organized Research	1,270,240

Sub-Total All Operations, New Jersey Dental School—Newark	<u>\$4,266,222</u>
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Less:

<i>General Services income</i>	<i>\$527,267</i>
<i>Special Services income</i>	<i>1,270,240</i>

<i>Total Income Deductions</i>	<u><i>1,797,507</i></u>
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Sub-Total Appropriation, New Jersey Dental School—Newark	<u>\$2,468,715</u>
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573-105. *Martland Hospital—Newark*

33130.	Extension and Public Service	\$26,800,685
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Sub-Total Appropriation, All Operations ...	<u>\$26,800,685</u>
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Less:

<i>Hospital Services Income</i>	<u><i>\$15,373,156</i></u>
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<i>Total Income Deductions</i>	<u><i>15,373,156</i></u>
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Sub-Total Appropriation, Martland Hospital—Newark	<u>\$11,427,529</u>
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573-106. *Raritan Valley Hospital*

33130. Extension and Public Service	\$6,352,484
Sub-Total Appropriation, All Operations ...	<u>\$6,352,484</u>
<i>Less:</i>	
<i>Hospital Services Income</i>	<u>\$4,658,970</u>
<i>Total Income Deductions</i>	<u>4,658,970</u>
Sub-Total Appropriation, Raritan Valley Hospital	<u>\$1,693,514</u>
Total Appropriation, College of Medicine and Dentistry of New Jersey	<u>\$36,825,717</u>

Salaries:

Officers and employees	(\$41,002,830)
New positions	(1,142,413)
Materials and Supplies	(6,801,529)
Services Other Than Personal	(5,897,797)

Maintenance of Property:

Recurring	(580,633)
Non-Recurring and Replacements ..	(379,820)

Extraordinary:

Central administration—	
Board of Trustees planning fund .	(10,000)
College-wide—	
Student aid	(95,368)
Research under contract with the Institute of Medical Research, Camden	(334,998)
Nursing instruction	(90,000)
New Jersey Medical School—	
Student transportation	(14,009)
Student aid	(80,000)
Faculty research	(75,000)
Martland Hospital—	
Pension	(304,500)
Workmen's compensation	(89,960)

Rutgers Medical School—	
Psychiatric residency program ..	(160,721)
Student aid	(35,000)
Mortgage program	(194,809)
Raritan Valley Hospital—	
Mortgage program	(684,691)
Additions and Improvements	(964,032)
Special Fund expenses	(12,751,561)
Auxiliary Fund expense	(187,124)
Rutgers—Community Mental Health	
Center	(2,242,452)

Less:

<i>General Services income</i>	<i>(2,080,267)</i>
<i>Special Services income</i>	<i>(12,751,561)</i>
<i>Auxiliary Services income</i>	<i>(187,124)</i>
<i>Hospital Services income</i>	<i>(20,032,126)</i>
<i>Rutgers—Community Mental Health</i>	
<i>Center</i>	<i>(2,242,452)</i>

All general services income or hospital services income in excess of the amounts shown hereinabove as income deductions shall be credited to the General State Fund and such excess income is hereby appropriated therefrom for service improvements in the several component units of the College of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

With respect to the portion of such excess income arising from participation in the Demonstration Project approved under the provisions of Section 1115 of Title XIX of the Federal Social Security Act for the City of Newark, so much of such sum as represents the State share of medical assistance payments is hereby appropriated to the Division of Medical Assistance and Health Services in the Department of Institutions and Agencies for the purpose of making further payments pursuant to C.30:4D-1 et seq.

The appropriation for Organized Research in College-wide Programs is made subject to the condition that any and all discoveries, patentable processes, pharmaceuticals or appliances, and any clinical procedures or tests, shall be made available to the public under the standard policy of the Federal Department of Health, Education and Welfare governing such matters.

Of the amount herein appropriated to the College of Medicine and Dentistry of New Jersey, the College is authorized to expend not more than \$70,000 for the purpose of planning a South Jersey Medical School, contingent upon the outcome of a feasibility study currently being made, and subject to the approval of the Chancellor of Higher Education.

574-100. *Newark College of Engineering and
Newark Technical School*

33110. Instruction	\$6,624,995
33120. Sponsored Research and Other Sponsored Programs	139,238
33130. Extension and Public Service	88,875
33240. Auxiliary Services	847,364
33950. Academic Support	391,050
33960. Student Services	836,412
33970. Institutional Support	3,717,937
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Sub-Total All Operations	\$12,645,871
<i>Less:</i>	
General Services income	\$3,282,636
Auxiliary Services income	847,364
	<hr/>
Total Income Deductions	4,130,000
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Total Appropriation, Newark College of En- gineering and Newark Technical School ..	\$8,515,871
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Salaries:

Officers and employees	(\$8,147,470)
New positions	(49,000)
Student wages	(123,130)
Materials and Supplies	(821,008)
Services Other Than Personal	(1,278,098)

Maintenance of Property:

Recurring	(82,215)
Non-Recurring and Replacements ..	(57,454)

Extraordinary:

Scholarships, grants—Fellowships ..	(136,000)
Retirement allowances	(348,152)
Miscellaneous administrative	(8,000)
Mortgage interest and amortization ..	(27,415)
Social Security tax	(185,282)
Group life, major medical and hos- pitalization	(200,448)
Staff development	(33,191)
Additions and Improvements	(301,644)
Auxiliary Fund expenses	(847,364)

Less:

<i>General Services income</i>	(3,282,636)
<i>Auxiliary Services income</i>	(847,364)

So much for additional costs relating to increased full-time and part-time enrollment shall be withheld by the Director of the Division of Budget and Accounting to the extent that the actual weighted enrollment shall be more than 1% below the anticipated weighted enrollment. The count of weighted enrollment shall be consistent with the Equivalent Credit Hour system as defined by the Board of Higher Education resolution of December 15, 1972.

Total Appropriation, Department of Higher Education	\$265,108,161*
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Of the amount hereinabove appropriated to the Department of Higher Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Thomas A. Edison College		\$250,000
Council for Higher Education in Newark		134,500
Scholarships and Student Loans:		
Scholarships		1,667,558
Incentive grants		484,000
Tuition aid grants		430,000
County College graduate scholarships		52,000
Additional College Students:		
Glassboro	363	353,199
Jersey City	250	244,750
Newark	1,388	1,240,872
Paterson	1,666	1,754,298
Montclair	2,158	1,937,884
Trenton	381	415,290
Ramapo	749	1,336,965
Stockton	800	1,480,800
Rutgers	2,387	4,196,346
Newark College of Engineering	314	717,804
College of Medicine and Dentistry		1,997,369
Total Appropriation from State Lottery Fund		<hr/> \$18,693,635 <hr/>

600. DEPARTMENT OF TRANSPORTATION
Construction of Transportation Facilities

61400. *Debt Service*

61401. Interest on Highway Improvement Bonds— P.L. 1930, c. 228	\$166,543
61402. Interest on State Transportation Bonds— P.L. 1968, c. 126	22,533,788
Total Appropriation	<u>\$22,700,331</u>

Any appropriation herein or heretofore made for interest on State Transportation bonds issued for projects and programs within the purview of C.54:8A-1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for interest on State Transportation bonds issued for projects and programs within the purview of C.54:8A-58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefits Fund established in such act.

Improvements to Transportation Facilities

62100. *State Highway Facilities*

62101. Electrical and Traffic Improvements	\$1,043,451
62102. Roadway and Bridge Improvements	7,955,507
62103. Equipment Acquisition	1,966,835
Total Appropriation	<u>\$10,965,793</u>

Salaries:

Officers and employees	(\$940,388)
Positions transferred from other	
Subcategories	(256,595)
Materials and Supplies	(1,395)
Services Other Than Personal	(9,415)

Maintenance of Property:

Non-Recurring and Replacements.. (1,700,000)

Extraordinary:

Traffic signals, signs, lighting, and
safety improvements (708,000)Construction, reconstruction, im-
provement or rebuilding of State
highways including resurfacing
and major bridge repairs or
rehabilitation (7,150,000)

Additions and Improvements (200,000)

The unexpended balance as of June 30, 1973 in this
account is hereby appropriated.

Of the amount hereinabove provided for Construc-
tion, re-construction, improvement or re-building
of State highways, including re-surfacing or major
bridge repairs or rehabilitation, a sum not to ex-
ceed \$150,000 shall be used for a highway improve-
ment on Route 23 at Franklin Avenue in Franklin
Township; and a sum not to exceed \$150,000
shall be used for improvements on Route 206 in
the vicinity of Rider College in Lawrence Town-
ship.

*Operation and Maintenance of Transportation Facilities*63100. *State Highway Facilities*

63101. Roadway and Bridge Maintenance	\$17,701,136
63102. Electrical and Traffic Operations	5,740,761
63103. Physical Plant Maintenance	1,541,913
63104. Equipment Maintenance	4,842,128

Total Appropriation	<u>\$29,825,938</u>
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Salaries:

Officers and employees (\$20,635,084)

Positions transferred from other

Subcategories (144,021)

Materials and Supplies (2,674,720)

Services Other Than Personal (379,230)

Maintenance of Property:

Recurring	(4,178,500)
Non-Recurring and Replacements ..	(1,806,928)
Additions and Improvements	(7,455)

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

63200. *Public Transportation Facilities*

63201. Rail and Bus Operations	\$34,397,120
63202. Aeronautics	205,516
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Total Appropriation	\$34,602,636
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Salaries:

Officers and employees	(\$507,353)
Materials and Supplies	(6,500)
Services Other Than Personal	(638,783)

Extraordinary:

Passenger service subsidies pursuant to C.27:1A-15 et seq.	(29,500,000)
Bridgeport-Chester ferry service subsidy	(75,000)
Bus subsidies, subject to enabling legislation	(1,875,000)
Bus feeder service, pursuant to P.L. 1972, c. 125	(2,000,000)

The unexpended balance as of June 30, 1973 in the Extraordinary category, is hereby appropriated.

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefits Fund established in such act.

*Department Management and General Support*69100. *Department Management and General Support*

69101. Department Administration	\$565,758
69102. Employee and Management Services	3,548,329
69103. Fiscal Management	1,799,192
Total Appropriation	<u>\$5,913,279</u>

Salaries:

Commissioner	(\$40,000)
Officers and employees	(4,010,173)
Positions transferred from other	
Subcategories	(56,950)
Materials and Supplies	(112,221)
Services Other Than Personal	(1,335,175)

Maintenance of Property:

Recurring	(58,760)
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Extraordinary:

Compensation awards	(300,000)
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The unexpended balance as of June 30, 1973, together with reimbursements, in the Department Stock Purchase revolving fund created pursuant to P.L. 1971, c. 240 for the purchase of materials and supplies required for the operation of the Department are hereby appropriated.

69300. *Planning and Research*

69301. Planning	\$2,367,052
69302. Research	1,302,887
Sub-Total	<u>\$3,669,939</u>

Less:

<i>Portion of Federal aid receivable which is applicable to highway planning</i>	<i>1,610,805</i>
<i>Portion of Federal aid receivable which is applicable to highway research</i>	<i>400,000</i>

Total Appropriation	<u>\$1,659,134</u>
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Salaries:

Officers and employees	(\$2,634,677)
Materials and Supplies	(77,080)
Services Other Than Personal	(232,957)

Maintenance of Property:

Recurring	(2,675)
Non-Recurring and Replacements ..	(7,050)

Extraordinary:

Transportation planning aspects of studies in the Northeastern New Jersey-New York urban area conducted by Tri-State Regional Planning Commission	(382,500)
Comprehensive highway transportation planning studies	(250,000)
Comprehensive aviation planning studies	(43,000)
Aviation master plans	(40,000)

Less:

<i>Portion of Federal aid receivable which is applicable to highway planning</i>	<i>(1,610,805)</i>
<i>Portion of Federal aid receivable which is applicable to highway research</i>	<i>(400,000)</i>

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Sums allocated by the Commissioner for planning and research in the annual construction program may be transferred to this account for expenditure; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There shall be allocated from sums previously appropriated from the State Transportation Fund the sum of \$230,000 for public mass transportation planning studies.

Total Appropriation, Department of Transportation

\$105,667,111

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefits Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-100. *Administration—General*

Commissioner	(\$40,000)	
Officers and employees	(2,507,875)	
New positions	(49,207)	
Salaries		\$2,597,082
Materials and Supplies		30,800
Services Other Than Personal		467,441
Maintenance of Property:		
Recurring		8,200
Non-Recurring and Replacements		926
Extraordinary:		
Nursing scholarship program		525,000
Office of Welfare Research and Evaluation		89,301
For Maintenance of the Commissioner in lieu of an official residence		5,500
State school district—Educational advancement program, pursuant to P.L. 1972, c. 187		1,000,000
Expenses of the Legion of Valor convention		2,500
Expenses of the Catholic War Veterans' Conven- tion in Atlantic City		10,000
Compensation awards		6,500
Additions and Improvements		2,935
Total Appropriation, Administration— General		<hr/> \$4,746,185 <hr/>

The unexpended balance as of June 30, 1973 in the account State school district—Educational ad-

vancement program pursuant to P.L. 1972, c. 187 is hereby appropriated.

700-101. *Interest on Bonds*

Interest on Institution Construction Bonds—P.L. 1960, c. 156	\$720,850
Interest on Institution Construction Bonds—P.L. 1964, c. 144	1,361,600
Interest on Public Building Construction Bonds—P.L. 1968, c. 128	4,435,208
Total Appropriation, Interest on Bonds	\$6,517,658

709. *Office of the Public Defender*

Assistance to the Economically Disadvantaged

53200. *Criminal Defense of Indigents*

53210. Trial	\$5,502,860
53220. Appellate	941,318
53290. Administration	488,329
Total Appropriation, Criminal Defense of Indigents	\$6,932,507

Salaries:

Officers and employees	(\$4,869,273)
New positions	(222,349)
Materials and Supplies	(108,523)
Services Other Than Personal	(1,728,762)

Maintenance of Property:

Recurring	(2,500)
Additions and Improvements	(1,100)

Receipts from charges for services, as authorized by C.2A:158A-16 et seq., are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 in this account, not to exceed \$70,000, is hereby appropriated.

710-100. *New Jersey Memorial Home for Disabled Soldiers
at Menlo Park*

Officers and employees	(\$1,310,404)	
New positions	(240,672)	
Food in lieu of cash	(5,220)	
Salaries		\$1,556,296
Materials and Supplies		250,741
Services Other Than Personal		46,098
Maintenance of Property:		
Recurring		11,400
Non-Recurring and Replacements		6,172
Extraordinary:		
Compensation awards		6,000
Additions and Improvements		80,500
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Menlo Park		<hr/> \$1,957,207 <hr/>

711-100. *New Jersey Memorial Home for Disabled Soldiers
at Vineland*

Officers and employees	(\$1,779,731)	
New positions	(201,880)	
Food in lieu of cash	(5,072)	
Salaries		\$1,986,683
Materials and Supplies		313,550
Services Other Than Personal		51,503
Maintenance of Property:		
Recurring		16,085
Non-Recurring and Replacements		12,295
Extraordinary:		
Compensation awards		1,400
Additions and Improvements		26,132
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland ..		<hr/> \$2,407,648 <hr/>

714. *Division of Medical Assistance and Health Services*
Assistance to the Economically Disadvantaged

53100. *Medical Assistance and Health Services*

53110. Long-term Care	\$1,147,709
53120. General Medical Services	8,673,531
53190. Administration and General Support	3,329,435
<hr/>	
Total Appropriation, Medical Assistance and Health Services	\$13,150,675
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Salaries:

Officers and employees	(\$3,009,177)
New positions	(206,109)
Materials and Supplies	(46,000)
Services Other Than Personal	(1,207,994)

Maintenance of Property:

Recurring	(11,500)
Non-Recurring and Replacements ..	(3,500)

Extraordinary:

Payment to fiscal agents	(7,700,000)
Newark demonstration project	(733,437)
Intermediate care facilities program	(218,857)
Additions and Improvements	(14,101)

The portion of the appropriation made to or on behalf of this Division, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The unexpended balance as of June 30, 1973 in the Newark demonstration project account is hereby appropriated for the same purpose.

*Division of Public Welfare*715-100. *General*

Officers and employees	(\$3,847,768)	
New positions	(426,962)	
Salaries		\$4,274,730
Materials and Supplies		34,700
Services Other Than Personal		684,409
Maintenance of Property:		
Recurring		10,500
Non-Recurring and Replacements		3,140
Extraordinary:		
Community social service development—State share		100,000
Additions and Improvements		144,896
Sub-Total Appropriation		<u>\$5,252,375</u>

The portion of the appropriation made to or on behalf of this Division, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

716-100. *Commission for the Blind and Visually Impaired*

Officers and employees	(\$2,060,261)	
New positions	(63,623)	
Salaries		\$2,123,884
Materials and Supplies		61,650
Services Other Than Personal		2,662,952
Maintenance of Property:		
Recurring		4,250
Non-Recurring and Replacements		1,500
Additions and Improvements		15,400
Sub-Total Appropriation		<u>\$4,869,636</u>

In addition to the appropriation hereinabove, recoveries of the State share of expenditures made in the year ending June 30, 1974, together with those made in prior fiscal years, are hereby appropriated.

The portion of the appropriation made to or on behalf of this Commission, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The unexpended balance as of June 30, 1973 in this account which represents State funds is hereby appropriated to match Federal support beyond that now anticipated for fiscal year 1973-74.

The balance to the credit of the Revolving Industrial Fund as of June 30, 1973 is hereby appropriated in a sum not to exceed \$7,000 for the same purpose.

Total Appropriation, Division of Public Welfare	<u>\$10,122,011</u>
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717-100. *Division of Youth and Family Services*

Officers and employees	(\$10,619,136)
Salaries	\$10,619,136
Materials and Supplies	41,900
Services Other Than Personal	862,390
Maintenance of Property:	
Recurring	23,000
Non-Recurring and Replacements	35,580
Extraordinary:	
Group foster home administration	101,745
Compensation awards	17,500
Work incentive and day care program	200,000
Units for hard-to-place children	1,909,000
Intensification of adoption services	566,933
Utilization of para-professional personnel	237,500

Emergency reception and child care facilities . . .	500,000
Day Care 100	1,000,000
Early childhood and development programs	112,337
Research and evaluation of social service pro- grams	35,000
Additions and Improvements	47,500
<hr/>	
Total Appropriation, Division of Youth and Family Services	\$16,309,521
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The unexpended balance as of June 30, 1973 in the Work incentive and day care program account is hereby appropriated for the same purpose.

The portion of the appropriation made to or on behalf of this Division, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

720-100. *State Parole Board*

Chairman . . . . . (	\$27,000)	
Associate members (2 @ \$25,000) . . (	50,000)	
Officers and employees . . . . . (	41,370)	
Positions established from lump sum appropriation . . . . . (	47,705)	
New positions . . . . . (	82,114)	
Salaries		\$248,189
Materials and Supplies		1,500
Services Other Than Personal		10,100
Maintenance of Property:		
Recurring		300
Additions and Improvements		1,000
		<hr/>
Total Appropriation, State Parole Board . . .		\$261,089
		<hr/>

12410-725-300. *Bureau of State Use Industries*

The unexpended balance as of June 30, 1973 in the State Use Working Capital Fund, together with all receipts derived from sales, is hereby appropriated to the Bureau of State Use Industries; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

*Custody, Care and Rehabilitation*730. *Division of Correction and Parole*12300. *Parole and Community Programs*

12310. Parole	\$3,382,020
12320. Community Programs	16,869
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Sub-Total Appropriation	\$3,398,889
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Salaries:

Officers and employees	(\$2,451,049)
New positions	(494,422)
Materials and Supplies	(9,575)
Services Other Than Personal	(205,365)

Maintenance of Property:

Recurring	(6,315)
Non-Recurring and Replacements ..	(2,108)

Extraordinary:

Community residence center	(68,615)
Community residence II	(87,000)
Additions and Improvements	(74,440)

12900. *Division Management and General Support*

12910. Planning, Program Development and Support Services	\$285,372
12920. Training and Staff Development	76,428
12930. Administration	199,670
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Sub-Total Appropriation	\$561,470
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Salaries:

Officers and employees	(\$350,917)
New positions	(33,098)
Materials and Supplies	(2,500)
Services Other Than Personal	(115,305)

Maintenance of Property:

Recurring	(855)
Non-Recurring and Replacements ..	(5,492)

Extraordinary:

Vocational rehabilitation	(52,453)
Additions and Improvements	(850)

The unexpended balance as of June 30, 1973 in the Planning a new prison account is hereby appropriated.

12100. *Institutional Services*731-100. *State Prison, Trenton*

12110. Institutional Control and Supervision	\$3,450,310
12120. Institutional Care Program	1,899,896
12130. Institutional Treatment Program	779,532
12190. Institutional Administration	250,306
Sub-Total Appropriation	<u>\$6,380,044</u>

Salaries:

Officers and employees	(\$3,703,017)
New positions	(1,101,097)
Food in lieu of cash	(43,523)
Materials and Supplies	(979,999)
Services Other Than Personal	(383,428)

Maintenance of Property:

Recurring	(35,600)
Non-Recurring and Replacements ..	(80,893)

Extraordinary:

Compensation awards	(19,000)
Additions and Improvements	(33,487)

732-100. *State Prison, Rahway*

12110. Institutional Control and Supervision	\$2,362,306
12120. Institutional Care Program	1,475,844
12130. Institutional Treatment Program	558,192
12190. Institutional Administration	289,323

Sub-Total Appropriation	<u>\$4,685,665</u>
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Salaries:

Officers and employees	(\$2,838,502)
New positions	(408,561)
Food in lieu of cash	(32,474)
Materials and Supplies	(849,270)
Services Other Than Personal	(346,109)

Maintenance of Property:

Recurring	(40,650)
Non-Recurring and Replacements	(91,039)

Extraordinary:

Compensation awards	(50,000)
Additions and Improvements	(29,060)

12190-732-300. *Regional Laundry*

The unexpended balance as of June 30, 1973 in the Regional Laundry account, together with receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation and maintenance of the Regional Laundry at the State Prison, Rahway; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

12190-732-301. *Dental Laboratory*

The unexpended balance as of June 30, 1973 in the Dental laboratory account, together with receipts derived from dental services furnished to the institutions, are hereby appropriated as a revolving fund for the purpose of defraying the costs

of operation of the Dental laboratory at the State Prison, Rahway; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

733-100. *State Prison, Leesburg*

12110. Institutional Control and Supervision	\$1,573,220
12120. Institutional Care Program	1,220,760
12130. Institutional Treatment Program	453,543
12190. Institutional Administration	177,077

Sub-Total Appropriation	<u>\$3,424,600</u>
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Salaries:

Officers and employees	(\$2,313,059)
New positions	(93,412)
Positions transferred from another Institution	(11,073)
Food in lieu of cash	(25,272)
Materials and Supplies	(642,060)
Services Other Than Personal	(250,007)

Maintenance of Property:

Recurring	(25,950)
Non-Recurring and Replacements . .	(41,614)

Extraordinary:

Compensation awards	(5,000)
Additions and Improvements	(17,153)

12190-733-300. *Regional Bakery*

The unexpended balance as of June 30, 1973 in the Regional Bakery account, together with receipts derived from the sale of bakery products to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Regional Bakery; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

734-100. *Youth Correctional Institution, Bordentown*

12110.	Institutional Control and Supervision	\$1,620,384
12120.	Institutional Care Program	1,254,612
12130.	Institutional Treatment Program	507,336
12190.	Institutional Administration	225,032

Sub-Total Appropriation	<u>\$3,607,364</u>
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Salaries:

Officers and employees	(\$2,608,505)
New positions	(42,078)
Food in lieu of cash	(25,515)
Materials and Supplies	(592,104)
Services Other Than Personal	(174,329)

Maintenance of Property:

Recurring	(40,150)
Non-Recurring and Replacements	(103,968)

Extraordinary:

Compensation awards	(10,000)
Additions and Improvements	(10,715)

735-100. *Youth Reception and Correction Center, Yardville*

12110.	Institutional Control and Supervision	\$1,907,277
12120.	Institutional Care Program	1,119,703
12130.	Institutional Treatment Program	966,760
12190.	Institutional Administration	333,285

Sub-Total Appropriation	<u>\$4,327,025</u>
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Salaries:

Officers and employees	(\$3,372,392)
New positions	(39,574)
Food in lieu of cash	(31,659)
Materials and Supplies	(564,040)
Services Other Than Personal	(204,992)

Maintenance of Property:

Recurring	(28,950)
Non-Recurring and Replacements	(43,633)

Extraordinary:

Compensation awards	(12,500)
Additions and Improvements	(29,285)

737-100. *Correctional Institution for Women, Clinton*

12110.	Institutional Control and Supervision	\$1,066,979
12120.	Institutional Care Program	951,127
12130.	Institutional Treatment Program	304,316
12190.	Institutional Administration	214,948

Sub-Total Appropriation	\$2,537,370
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Salaries:

Officers and employees	(\$2,005,730)
Food in lieu of cash	(8,342)
Materials and Supplies	(288,134)
Services Other Than Personal	(163,146)

Maintenance of Property:

Recurring	(24,325)
Non-Recurring and Replacements ..	(28,126)

Extraordinary:

Compensation awards	(7,000)
Additions and Improvements	(12,567)

738-100. *Youth Correctional Institution, Annandale*

12110.	Institutional Control and Supervision	\$1,473,261
12120.	Institutional Care Program	1,151,537
12130.	Institutional Treatment Program	486,369
12190.	Institutional Administration	209,127

Sub-Total Appropriation	\$3,320,294
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Salaries:

Officers and employees	(\$2,409,800)
New positions	(81,896)
Food in lieu of cash	(24,120)
Materials and Supplies	(476,866)
Services Other Than Personal	(219,547)

Maintenance of Property:

Recurring	(29,500)
Non-Recurring and Replacements ..	(54,597)

Extraordinary:

Compensation awards	(6,000)
Additions and Improvements	(17,968)

739-100. *Training School for Boys, Skillman*

12110.	Institutional Control and Supervision	\$683,111
12120.	Institutional Care Program	499,129
12130.	Institutional Treatment Program	396,053
12190.	Institutional Administration	176,760

Sub-Total Appropriation	\$1,755,053
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Salaries:

Officers and employees	(\$1,503,583)
Materials and Supplies	(156,189)
Services Other Than Personal	(47,126)

Maintenance of Property:

Recurring	(13,850)
Non-Recurring and Replacements . .	(6,318)

Extraordinary:

Compensation awards	(2,500)
Additions and Improvements	(25,487)

740-100. *Training School for Boys, Jamesburg*

12110.	Institutional Control and Supervision	\$1,189,655
12120.	Institutional Care Program	1,006,260
12130.	Institutional Treatment Program	582,681
12190.	Institutional Administration	196,713

Sub-Total Appropriation	\$2,975,309
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Salaries:

Officers and employees	(\$2,454,488)
New positions	(10,470)
Food in lieu of cash	(4,530)
Materials and Supplies	(332,490)
Services Other Than Personal	(68,540)

Maintenance of Property:

Recurring	(35,700)
Non-Recurring and Replacements . .	(28,229)

Extraordinary:

Distributive education project	(18,206)
Compensation awards	(10,000)
Additions and Improvements	(12,656)

741-100. *Training School for Girls, Trenton*

12110.	Institutional Control and Supervision	\$533,422
12120.	Institutional Care Program	449,166
12130.	Institutional Treatment Program	260,208
12190.	Institutional Administration	162,443

Sub-Total Appropriation	<u>\$1,405,239</u>
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Salaries:

Officers and employees	(\$1,218,198)
Food in lieu of cash	(2,340)
Materials and Supplies	(73,785)
Services Other Than Personal	(44,924)

Maintenance of Property:

Recurring	(13,250)
Non-Recurring and Replacements ..	(24,120)

Extraordinary:

Purchase of care services	(3,000)
Distributive education	(13,072)
Compensation awards	(7,500)
Additions and Improvements	(5,050)

12200. *Operation of Residential Group Centers*

12210.	Highfields	\$81,438
12220.	Warren	82,919
12230.	Ocean	87,325
12240.	Turrell	92,260

Sub-Total Appropriation	<u>\$343,942</u>
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Salaries:

Officers and employees	(\$250,274)
Food in lieu of cash	(1,834)
Materials and Supplies	(58,420)
Services Other Than Personal	(16,965)

Maintenance of Property:

Recurring	(6,575)
Non-Recurring and Replacements ..	(6,925)
Additions and Improvements	(2,949)

Total Appropriation, Division of Correction and Parole	<u>\$38,722,264</u>
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*Mental Retardation*760. *Division of Mental Retardation*

25110. Purchased Residential Care	\$3,633,200
25210. Social Supervision Consultation and Day Training	5,205,354
25610. Management and General Support	519,107
Sub-Total Appropriation	<hr/> \$9,357,661 <hr/>

Salaries:

Officers and employees	(\$954,283)
New positions	(12,916)
Materials and Supplies	(7,400)
Services Other Than Personal	(99,002)

Maintenance of Property:

Recurring	(2,800)
Non-Recurring and Replacements ..	(810)

Extraordinary:

Expansion of social services—State share	(150,000)
Family care	(214,200)
Purchase of residential care	(3,419,000)
Day training	(4,266,650)
Foster grandparents program	(80,000)
Developmental disabilities services ..	(150,000)
Additions and Improvements	(600)

The unexpended balances as of June 30, 1973 in the Purchase of residential care, Foster grandparents program and Day training accounts are hereby appropriated for the same purposes.

The sum hereinabove appropriated for Purchase of residential care shall be available for the payment of bills applicable to prior fiscal years.

The funds for Developmental disabilities services shall supplement local funds for Federally funded projects provided that the total State expenditure for such services shall not exceed 50% of the total non-Federal funds for such services.

The portion of the appropriation made to or on behalf of Expansion of social services, which represents general State funds, shall be expended on the several matching bases in proportion to anticipated Federal funds which are received or receivable.

25100. *Residential Functional Services*

762. *Vineland State School*

25110. Resident Care	\$5,476,447
25120. Habilitation	606,698
25130. Health Services	1,664,478
25140. Support Services	3,022,020
25190. Institutional Administration	343,921

Sub-Total Appropriation	<u>\$11,113,564</u>
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Salaries:

Officers and employees	(\$8,762,259)
New positions	(697,521)
Food in lieu of cash	(34,323)
Materials and Supplies	(1,280,988)
Services Other Than Personal	(134,316)

Maintenance of Property:

Recurring	(52,800)
Non-Recurring and Replacements ..	(48,833)

Extraordinary:

Compensation awards	(47,470)
Additions and Improvements	(55,054)

763. *North Jersey Training School at Totowa*

25110. Resident Care	\$2,099,133
25120. Habilitation	520,335
25130. Health Services	1,026,313
25140. Support Services	1,808,004
25190. Institutional Administration	265,739

Sub-Total Appropriation	<u>\$5,719,524</u>
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Salaries:

Officers and employees	(\$4,435,338)
New positions	(281,913)
Food in lieu of cash	(10,416)
Materials and Supplies	(690,769)
Services Other Than Personal	(173,778)

Maintenance of Property:

Recurring	(41,950)
Non-Recurring and Replacements ..	(38,742)

Extraordinary:

Compensation awards	(35,000)
Additions and Improvements	(11,618)

764. Woodbine State School

25110. Resident Care	\$3,123,300
25120. Habilitation	334,103
25130. Health Services	1,000,386
25140. Support Services	1,784,117
25190. Institutional Administration	205,456

Sub-Total Appropriation	<u>\$6,447,362</u>
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Salaries:

Officers and employees	(\$5,098,006)
New positions	(448,396)
Food in lieu of cash	(15,396)
Materials and Supplies	(704,453)
Services Other Than Personal	(75,275)

Maintenance of Property:

Recurring	(41,950)
Non-Recurring and Replacements ..	(46,883)

Extraordinary:

Compensation awards	(7,500)
Additions and Improvements	(9,503)

765. New Lisbon State School

25110. Resident Care	\$2,613,521
25120. Habilitation	464,799
25130. Health Services	544,587

25140. Support Services	1,697,952
25190. Institutional Administration	289,326
Sub-Total Appropriation	<u>\$5,610,185</u>

Salaries:

Officers and employees	(\$4,269,791)
New positions	(291,742)
Food in lieu of cash	(10,569)
Materials and Supplies	(798,318)
Services Other Than Personal	(98,822)

Maintenance of Property:

Recurring	(40,150)
Non-Recurring and Replacements ..	(72,988)

Extraordinary:

Compensation awards	(7,500)
Additions and Improvements	(20,305)

766. *Woodbridge State School*

25110. Resident Care	\$3,476,348
25120. Habilitation	325,954
25130. Health Services	1,529,249
25140. Support Services	1,824,161
25190. Institutional Administration	256,943
Sub-Total Appropriation	<u>\$7,412,655</u>

Salaries:

Officers and employees	(\$5,866,098)
New positions	(214,652)
Food in lieu of cash	(1,188)
Materials and Supplies	(957,994)
Services Other Than Personal	(209,591)

Maintenance of Property:

Recurring	(41,900)
Non-Recurring and Replacements ..	(69,926)

Extraordinary:

Compensation awards	(30,000)
Additions and Improvements	(21,306)

767. *Hunterdon State School*

25110.	Resident Care	\$2,789,169
25120.	Habilitation	248,328
25130.	Health Services	1,406,674
25140.	Support Services	1,877,731
25190.	Institutional Administration	280,321
Sub-Total Appropriation		<hr/> \$6,602,223 <hr/>

Salaries:

Officers and employees	(\$4,667,709)
New positions	(644,809)
Food in lieu of cash	(2,375)
Materials and Supplies	(789,469)
Services Other Than Personal	(213,814)

Maintenance of Property:

Recurring	(41,500)
Non-Recurring and Replacements ..	(36,345)

Extraordinary:

Compensation awards	(25,000)
New cottages—Medical equipment ..	(19,174)
New cottages—Household equip- ment	(134,913)
Additions and Improvements	(27,115)

768. *Edward R. Johnstone Training and Research Center*

25110.	Resident Care	\$926,706
25120.	Habilitation	896,138
25130.	Health Services	257,835
25140.	Support Services	1,016,193
25150.	Research	149,390
25190.	Institutional Administration	215,478
Sub-Total Appropriation		<hr/> \$3,461,740 <hr/>

Salaries:

Officers and employees	(\$2,873,611)
New positions	(73,154)
Food in lieu of cash	(5,805)

Materials and Supplies	(288,607)	
Services Other Than Personal	(82,762)	
Maintenance of Property:		
Recurring	(32,950)	
Non-Recurring and Replacements ..	(52,526)	
Extraordinary:		
Compensation awards	(5,000)	
Additions and Improvements	(47,325)	
Total Appropriation, Division of Mental Retardation		\$55,724,914

770-100. *Division of Mental Health and Hospitals*

Officers and employees	(\$424,547)	
Salaries		\$424,547
Materials and Supplies		6,020
Services Other Than Personal		94,497
Maintenance of Property:		
Recurring		700
Non-Recurring and Replacements		950
Extraordinary:		
Community Mental Health Center, College of Medicine and Dentistry, Newark—State share		135,252
Community Mental Health Center, College of Medicine and Dentistry, Rutgers		2,242,452
Compensation awards		500
Additions and Improvements		3,560
Sub-Total Appropriation		\$2,908,478

Any Federal funds received or receivable for support of the College of Medicine and Dentistry, Rutgers—Community Mental Health Center shall be credited to the General State Fund as a reimbursement of a portion of the appropriation hereinabove for that purpose and any such funds in excess of the appropriation are hereby appropriated.

The unexpended balance as of June 30, 1973 in the Community Mental Health Center, College of Medicine and Dentistry, Newark—State share account is hereby appropriated.

777-100. *Greystone Park Psychiatric Hospital*

Officers and employees	(\$16,741,937)	
Food in lieu of cash	(157,717)	
Salaries		\$16,899,654
Materials and Supplies		2,023,983
Services Other Than Personal		478,256
Maintenance of Property:		
Recurring		212,700
Non-Recurring and Replacements		113,833
Extraordinary:		
Outpatient drugs		15,000
Compensation awards		120,000
Family care		224,910
Additions and Improvements		70,087
Sub-Total Appropriation		<u>\$20,158,423</u>

779-100. *Trenton Psychiatric Hospital*

Officers and employees	(\$14,067,687)	
Food in lieu of cash	(58,466)	
Salaries		\$14,126,153
Materials and Supplies		1,748,642
Services Other Than Personal		252,167
Maintenance of Property:		
Recurring		99,950
Non-Recurring and Replacements		177,545
Extraordinary:		
Outpatient drugs		22,000
Compensation awards		69,000
Family care		214,200
Additions and Improvements		102,208
Sub-Total Appropriation		<u>\$16,811,865</u>

Of the amount hereinabove, a sum of \$112,000 shall be used for the Children's Social-Re-education Program.

781-100. *Marlboro Psychiatric Hospital*

Officers and employees	(\$10,976,519)	
Food in lieu of cash	(57,646)	
Salaries		\$11,034,165
Materials and Supplies		962,050
Services Other Than Personal		386,784
Maintenance of Property:		
Recurring		101,400
Non-Recurring and Replacements		129,178
Extraordinary:		
Outpatient drugs		115,000
Compensation awards		130,000
Family care		428,400
Additions and Improvements		54,684
Sub-Total Appropriation		<u>\$13,341,661</u>

783-100. *Ancora Psychiatric Hospital*

Officers and employees	(\$9,197,014)	
Food in lieu of cash	(106,918)	
Salaries		\$9,303,932
Materials and Supplies		1,126,357
Services Other Than Personal		175,167
Maintenance of Property:		
Recurring		88,500
Non-Recurring and Replacements		126,355
Extraordinary:		
Outpatient drugs		27,500
Compensation awards		42,000
Family care		299,880
Additions and Improvements		84,252
Sub-Total Appropriation		<u>\$11,273,943</u>

785-100. *New Jersey Neuropsychiatric Institute*

Officers and employees	(\$6,241,319)	
Food in lieu of cash	(22,905)	
Salaries		\$6,264,224
Materials and Supplies		702,250
Services Other Than Personal		163,350
Maintenance of Property:		
Recurring		62,000
Non-Recurring and Replacements		81,600
Extraordinary:		
Outpatient drugs		7,400
Compensation awards		22,500
Family care		42,840
Mental health research		167,059
Additions and Improvements		38,102
Sub-Total Appropriation		<hr/> \$7,551,325 <hr/>

790-100. *Arthur Brisbane Child Center at Allaire*

Officers and employees	(\$789,618)	
New positions	(11,214)	
Food in lieu of cash	(5,500)	
Salaries		\$806,332
Materials and Supplies		86,942
Services Other Than Personal		23,407
Maintenance of Property:		
Recurring		11,100
Non-Recurring and Replacements		12,726
Extraordinary:		
Compensation awards		2,500
Additions and Improvements		1,378
Sub-Total Appropriation		<hr/> \$944,385 <hr/>

792-100. *Diagnostic Center at Menlo Park*

Officers and employees	(\$1,457,242)
New positions	(19,082)
Food in lieu of cash	(5,589)

Salaries	\$1,481,913
Materials and Supplies	102,706
Services Other Than Personal	39,142
Maintenance of Property:	
Recurring	14,100
Non-Recurring and Replacements	10,764
Extraordinary:	
Compensation awards	3,000
Sex offender program	233,436
Additions and Improvements	4,275
Sub-Total Appropriation	<hr/> \$1,889,336
Total Appropriation, Division of Mental Health and Hospitals	<hr/> \$74,879,416 <hr/>

794-100. *New Jersey Hospital for Chest Diseases*

Officers and employees	(\$2,340,867)
New positions	(57,533)
Food in lieu of cash	(20,159)
Salaries	\$2,418,559
Materials and Supplies	408,002
Services Other Than Personal	78,623
Maintenance of Property:	
Recurring	26,300
Non-Recurring and Replacements	43,274
Extraordinary:	
Compensation awards	6,500
Additions and Improvements	9,764
Total Appropriation, New Jersey Hospital for Chest Diseases	<hr/> \$2,991,022 <hr/>
Total Appropriation, Department of Institu- tions and Agencies	<hr/> \$234,722,117 <hr/>

In addition to the amounts hereinabove specifically recommended for the various institutions, all funds derived from the sale of farm products to

any State agency or political subdivision of the State are hereby appropriated.

Balances on hand as of June 30, 1973 of funds held for the benefit of patients and inmates in the several institutions, together with such funds as may be received, are hereby appropriated for the use of such patients and inmates.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are hereby appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

The unexpended balances as of June 30, 1973 of funds received by the several institutions representing rental of garages, together with such funds as may be received during fiscal year 1973-74 are hereby appropriated for the repair and maintenance of existing garages and for the construction of additional garages by such institutions.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program authorized pursuant to C.30:4-91.1 et seq., are hereby appropriated for the purposes provided therein.

So much of the sums received by the various State institutions from payments made pursuant to C.30:4D-1 et seq. which represents the State share of medical assistance, not otherwise anticipated, is hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance pursuant to C.30:4D-1 et seq.

Of the amount hereinabove appropriated to the Department of Institutions and Agencies, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Administration of Department . .	\$161,044
Nursing scholarship program	65,000

State school district for institutions	1,000,000
Improved staffing and new nursing units, soldiers homes	892,107
Group foster home administration	33,745
Units for hard-to-place children ..	1,153,000
Emergency reception and child care facilities	500,000
Division of Correction and Parole—	
Expand parole services	90,315
Additional correction officers (144)	1,156,120
Additional parole officers (49) ..	423,539
Additional medical support staff	306,353
Administration of correction institutions	1,962,656
Division of Mental Retardation—	
Administration of institutions for the retarded	2,242,910
Purchase of residential care ...	1,244,000
Day training services	1,988,747
Additional patient care positions	669,449
Additional positions for new facilities:	
Vineland State School	600,362
Woodbine State School	292,880
Hunterdon State School	388,447
Division of Mental Health and Hospitals—	
Administration of mental health institutions	965,014
Community mental health center at College of Medicine and Dentistry (Rutgers)	2,060,452
Total Appropriation from State Lottery Fund	<u>\$18,196,140</u>

800. DEPARTMENT OF COMMUNITY AFFAIRS

42100. *Development of Community Programs and
Human Resources*

42110.	Human Resources	\$1,727,715
42120.	Housing	1,102,883
42130.	Local Government Services	926,533
42140.	State and Regional Planning	1,115,689
42190.	Management and General Support Services	591,138
Total Appropriation		<u>\$5,463,958</u>

Salaries:

Commissioner .....	(	\$38,000)
Board members (3 @ \$6,000) .....	(	18,000)
Officers and employees .....	(	2,043,901)
New positions .....	(	50,337)
Materials and Supplies .....	(	64,741)
Services Other Than Personal .....	(	304,869)

Maintenance of Property:

Recurring .....	(	14,116)
Non-Recurring and Replacements ..	(	1,070)

Extraordinary:

Activities of Commission on Women	(	20,500)
Conference on aging .....	(	1,575)
Survey and demonstration projects	(	10,000)
Older Americans' Act—State share	(	50,000)
State and regional conference on youth .....	(	1,050)
Urban Loan Authority .....	(	1,300,000)
Cooperative housing inspection program .....	(	709,450)

Cost of land development planning
aspects of studies in the North-
eastern New Jersey-New York
urban area, to be conducted by the
Tri-State Regional Planning Com-
mission, contingent upon no less
than 66⅔% participation by

Federal agencies, subject to expenditure by the Tri-State Regional Planning Commission upon approval by the Commissioner of the Department of Community Affairs—State share	(229,200)	
Cost of land development planning aspects of studies in the Philadelphia-Camden urban area, to be conducted by the Delaware Valley Regional Planning Commission, contingent upon no less than 66⅔% participation by the United States Department of Housing and Urban Development and no less than 50% participation by other Federal agencies; subject to expenditure by the Delaware Valley Regional Planning Commission upon approval by the Commissioner of the Department of Community Affairs—State share	(50,000)	
Cooperative governmental planning (Hackensack Meadowlands Development Commission—Loans to the Commission, pursuant to C.13:17-1 et seq.	(100,000)	
Compensation awards	(450,000)	
Additions and Improvements	(6,820)	
	(329)	
Total Appropriation, Department of Community Affairs		\$5,463,958

The unexpended balance as of June 30, 1973 in the revolving fund created, pursuant to P.L. 1967, c. 63, for the purpose of printing and reprinting literature for sale, together with receipts derived from such sales, are hereby appropriated.

The unexpended balance as of June 30, 1973 in the Older Americans' Act—State share account is hereby appropriated to match Federal funds

which may be available therefor; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balances as of June 30, 1973 in the Cooperative Governmental Planning, Urban Loan Authority, Hackensack Meadowlands Development Commission, and the New Jersey Sports and Exposition Authority accounts are hereby appropriated for the same purposes.

The sum of \$450,000 hereinabove appropriated to the Hackensack Meadowlands Commission shall be refunded to the General State Fund from the proceeds of any obligations issued by the Commission; provided, however, that the said Commission pay interest at the rate of 6% per annum on the sum appropriated hereinabove and on any sums previously appropriated as loans to the aforesaid Commission.

The loan to the New Jersey Sports and Exposition Authority shall be repaid to the General State Fund as required pursuant to P.L. 1971, c. 137, together with interest at 6% per annum, out of the proceeds of any obligations issued by the said Authority.

The amount hereinabove appropriated for Cooperative housing inspection and the amount in the State Aid section for Code enforcement and housing inspection shall be payable from fees and fines derived therefrom and receipts in excess of those anticipated from such fees and fines are hereby appropriated for additional operating costs; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-100. *Palisades Interstate Park Commission*

Officers and employees	(\$928,315)	
Salaries		\$928,315
Materials and Supplies		50,170
Services Other Than Personal		48,749
Maintenance of Property:		
Recurring		50,000
Non-Recurring and Replacements		50,665
Additions and Improvements		1,000
Total Appropriation, Palisades Interstate Park Commission		<hr/> \$1,128,899 <hr/>

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, together with the unexpended balance as of June 30, 1973 from such revenues, are hereby appropriated for maintenance of such stations, for non-recurring Parkway maintenance and vehicular replacement, and for capital projects and plans.

The unexpended balances as of June 30, 1973 from stands, concessions and self-sustaining activities operated or supervised by this Commission, together with receipts from such activities are hereby appropriated.

912-100. *Delaware River Joint Toll Bridge Commission*

Officers and employees	(\$594,281)	
Salaries		\$594,281
Materials and Supplies		25,600
Services Other Than Personal		17,700
Maintenance of Property:		
Recurring		16,000
Non-Recurring and Replacements		78,600
Total Appropriation, Delaware River Joint Toll Bridge Commission		<hr/> \$732,181 <hr/>

913-100. *Interstate Sanitation Commission**Environmental Management*41400. *Pollution Control*

41410. Water Pollution Control	\$121,423
41420. Air Pollution Control	76,827
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Total Appropriation, Interstate Sanitation Commission	\$198,250
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Extraordinary:

New Jersey share of administrative
costs (45%) (\$198,250)

914-100. *Delaware River Basin Commission*

Extraordinary:

Expenses of the Commission \$376,346

Total Appropriation, Delaware River Basin Commission	\$376,346
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917-100. *New Jersey American Revolution**Bicentennial Celebration Commission*

The unexpended balance as of June 30, 1973 in this
account is hereby appropriated.

Total Appropriation, Miscellaneous Execu- tive Commissions	\$2,435,676
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INTER-DEPARTMENTAL ACCOUNTS

940-100. *Rent—Buildings and Grounds*

Services Other Than Personal	\$22,586,933
Less: Direct charges and charges to Non-State Fund Sources	7,817,879
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Total Appropriation, Rent—Buildings and Grounds	\$14,769,054
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The Director of the Division of Budget and Accounting is hereby empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged be credited to the General State Fund; and, to the extent that such charges may exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General State Fund, the required additional appropriation is hereby made out of such other fund.

With respect to the equitable charges allocated to agencies occupying the Department of Labor and Industry Office Building, such amounts which may be attributable to the amortization of the portion of the building, the construction cost of which was provided from funds made available from the Unemployment Trust Fund, shall be credited to that fund.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed without the prior written approval of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

941-100. *Employee Benefits*

Extraordinary:

Heath Act	\$147,000
Veterans' Act	144,000
Miscellaneous special acts	14,000
Governors' Widows Annuity	12,000
Judicial pensions	1,435,000
Prison officers' pensions	778,000
Public Employees' Retirement System	20,396,669
Premiums for non-contributory insurance	4,722,298
Social Security Tax	34,450,000
State Police Retirement System	5,253,831

Premium for non-contributory insurance—State Police	230,000
State employees' health benefits	22,475,000
Pension Increase Act	2,558,000
Employer Contributions, Teachers' Insurance and Annuity Association	9,205,000
Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher education and State employee members	1,536,307
Unemployment insurance benefit costs for employees of State hospitals and State institutions of higher education, effective January 1, 1972, pursuant to P.L. 1971, c. 346	559,000
Retired employees' health benefits for retirees after July 1, 1967, subject to enactment of enabling legislation	473,000
To provide for non-contributory pensions for certain State employees with more than 30 years continuous service, who are not otherwise eligible for pensions, subject to enactment of S-635, as amended, or similar legislation	35,000
Total Appropriation, Employee Benefits ...	\$104,424,105

The unexpended balance as of June 30, 1973 of the sum appropriated in the Social Security Tax account is hereby appropriated for the same purpose.

The sum appropriated for Social Security Tax account is hereby made available for the payment of such tax which may be applicable to the prior fiscal year.

Out of the sum hereinabove appropriated, upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of this State, provided such widow was the wife of such person for all or part of the period during which he served as Governor, and provided further,

that this shall not apply to any widow receiving a pension granted under R.S. 43:8-2, and continued by R.S. 43:7-1 et seq., R.S. 43:8-1 et seq. and R.S. 43:8-8 et seq.

Any adjustment which may be required for the payment of Premium for Non-Contributory Insurance shall result in a contra-adjustment in the payment of the normal contribution for the Public Employees' Retirement System.

Any adjustment which may be required for the payment of Premium for Non-Contributory Insurance shall result in a contra-adjustment in the payment of the normal contribution for the State Police Retirement System.

There are hereby appropriated to the Public Employees' Retirement System, for credit to the Contingent Reserve Fund, any sums payable to the State Treasurer pursuant to the provisions of C.43:15A-88 et seq.

Notwithstanding the provisions of any other law, the sum appropriated for the Public Employees' Retirement System may be paid to the System as follows: $\frac{1}{2}$ of such sum may be paid on July 1, 1973 and $\frac{1}{2}$ of such sum may be paid not later than January 1, 1974, together with any earnings received from the investment or deposit of such sum during the period July 1, 1973 through the date of such payment.

Of the sum appropriated for Employer Contributions, Teachers' Insurance and Annuity Association, \$4,163,000 is hereby made available to continue employer pension contributions at the same rate as was contributed in fiscal year 1970-71, notwithstanding the provisions of NJS 18A:66-74(b).

The unexpended balance as of June 30, 1973 in the Pension Increase Act account is hereby appropriated for the same purpose.

942-100. *State Emergency Fund*

For allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State. Allotments from this appropriation shall be made only upon authorization of the Governor	\$450,000
For allotment to the various departments or agencies to pay compensation awards allowed State employees, upon approval of the Director of the Division of Budget and Accounting	100,000
For allotment to the various departments or agencies, as may be required, for additional telephone costs resulting from anticipated telephone rate increases upon approval of the Director of the Division of Budget and Accounting	200,000
For allotment, as required, to meet contingencies which may result from increases in the price of food beyond those anticipated, as the Director of the Division of Budget and Accounting shall determine	225,000
Total Appropriation, State Emergency Fund	<hr/> \$975,000 <hr/>

The unexpended balance as of June 30, 1973 in the account to pay claims resulting from culmination of the State's sovereign immunity and for insurance underwriting to cover resulting liabilities against the State and its employees is hereby appropriated.

943-100. *Salary and Other Benefits*

<p>To the Director of the Division of Budget and Accounting for allotment to the various agencies to provide a 5.5% increase in the salary rate in effect on the date prior to the beginning of the biweekly pay period nearest to either July 1, 1973 or September 1, 1973 for the respective class titles assigned to salary ranges, which shall be adjusted accordingly, and reasonably comparable salary adjustments for State employees in certain no-range or single-rate positions, other than positions for which salary rates are required to be provided by law, except that those employees paid in accordance with Civil Service Commission Compensation Schedule B may receive a salary increment, in lieu of a 5.5% increase, within the salary range established pursuant to P.L. 1972, c. 104</p>	\$30,250,000
<p>To the Director of the Division of Budget and Accounting for allotment to the various agencies for payment of an annual salary rate of not less than: (a) \$6,000 for full-time State employees serving in class titles assigned to salary ranges and designated as having a 40-hour workweek; (b) \$5,500 for full-time State employees serving in class titles assigned to salary ranges and designated as having a No Limit (NL) workweek; (c) \$5,250 for full-time State employees serving in class titles assigned to salary ranges and designated as having a 35-hour workweek, effective June 23, 1973</p>	350,000
<p>To the Director of the Division of Budget and Accounting for allotment to the various agencies for payments to retired employees whose retirement is effective on or after July 1, 1973 at the rate of $\frac{1}{2}$ of the former employee's final or highest daily rate of pay for each day of earned and unused sick leave accumulated and credited</p>	

on the effective date of his retirement, subject to enactment of enabling legislation	1,500,000
Total Appropriation, Salary and Other Benefits	\$32,100,000

The appropriations for salary benefits provided hereinabove shall be subject to the rules and regulations to be established by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; provided, however, that where the salary paid to the head of a department in the Executive branch of the State government is \$40,000, the rate of pay of any employee of such department shall not be increased to exceed \$39,500; provided further, however, that where the salary paid to the head of a department in the Executive branch of the State government is \$38,000, the rate of pay of any employee of such department shall not be increased to exceed \$37,500, including employees of the College of Medicine and Dentistry of New Jersey; Rutgers, The State University; the Newark College of Engineering and the State colleges; except that the rates of pay of medical faculty at the College of Medicine and Dentistry of New Jersey may be increased above \$37,500 with the approval of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; provided further, however, that any officer or employee whose salary is paid under contract with the State for his personal services, other than a contract resulting from employer-employee organization bargaining unit negotiations, shall not be eligible for the aforementioned 5.5% salary increase; and provided further, however, that the aforementioned 5.5% salary increase shall be offset by any salary adjustment received by any officer or employee in fiscal year 1973 which was equal to or more than one salary increment in his salary

range, other than a normal increment, unless the department head or organization appointing authority requests otherwise.

Any sums appropriated to the several departments for salaries may be made available for salary adjustments therein, arising from various exigencies of the State service and for normal merit salary increments as the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall determine; provided, however, that the first normal merit salary increment anniversary date shall be effective at the beginning of the bi-weekly pay period nearest to July 1, 1973. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

No salary range or rate of pay shall be increased or salary adjustment paid in any State department, agency, commission or higher education institution without the prior approval of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting. A copy of any such proposed salary increase or adjustment shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon the effective date of such proposal. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

Classification, Compensation, Promotion and Salary Administration Program Plans shall be established by Rutgers, The State University; the Newark College of Engineering; and the College of Medicine and Dentistry of New Jersey and shall be promulgated in accordance with the standards and guidelines established by the President of the Civil Service Commission and approved by the State Treasurer and the Director of the Division of Budget and Accounting and shall be subject to audit by the Department of Civil Service. Information copies of such Pro-

gram Plans as hereinabove described shall be forwarded to the Executive Director, Office of Fiscal Affairs, upon promulgation of such plans.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the College of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the Newark College of Engineering, or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

Each person holding such State office, position or employment, whose compensation from State funds is derived in whole or in part from Federal or other-than-General State Fund sources, shall be entitled to the same salary adjustments and increments which may be authorized hereinabove which he would receive if his compensation were paid wholly from State funds; provided, however, that the Federal government or other-than-General State Fund sources consents thereto and pays the costs thereof.

Such additional sums which may be required for Social Security Tax, resulting from the implementation of the salary adjustments hereinabove, may be transferred to account 941-100, Employee Benefits, as the Director of the Division of Budget and Accounting shall determine.

Insofar as practicable, the Director of the Division of Budget and Accounting shall allot to the sick leave benefits account from each of the various departmental operating appropriations sufficient sums to meet the cost of supplemental compensa-

tion payments to eligible retired employees of the respective departments for accumulated sick days.

944-100. *Overtime Compensation*

To the Director of the Division of Budget and Accounting for allotment, as required, to the various agencies to compensate employees for authorized overtime at a rate of 1½ times the employees' applicable salary rate, for those employees in class titles eligible for cash overtime payments in accordance with C.52:14-17.13 et seq. and the policies and regulations as issued by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; provided, however, that allowance may be made for such overtime to be authorized as compensatory time off, in accordance with the policies and regulations as issued by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting.		\$4,650,000
Total Appropriation, Overtime Compensation		<hr/> \$4,650,000
Total Appropriation, Inter-departmental Accounts		<hr/> \$156,918,159 <hr/>

970. THE JUDICIARY

Judicial Affairs

73100. *Court Operations*

73110. Supreme Court	\$783,739
73120. Superior Court	7,404,915
Total Appropriation	<hr/> \$8,188,654 <hr/>

Salaries:

Chief Justice .....	(	\$47,500)
Associate Justices (6 @ \$45,000) ..	(	270,000)
Judges (96) .....	(	3,626,000)
Officers and employees .....	(	2,734,966)
New positions .....	(	254,577)
Materials and Supplies .....	(	189,900)
Services Other Than Personal .....	(	190,376)

Maintenance of Property:

Recurring .....	(	16,500)
Non-Recurring and Replacements ..	(	20,500)

Extraordinary:

For 24 additional Superior Court judges, subject to the enactment of enabling legislation .....	(	800,000)
Additions and Improvements .....	(	38,335)

73200. Court Support Services

73210. Official Court Reporters	\$2,654,869
73290. General Support	826,838
Total Appropriation	\$3,481,707

Salaries:

Officers and employees .....	(	\$2,599,019)
New positions .....	(	232,488)
Materials and Supplies .....	(	67,500)
Services Other Than Personal .....	(	312,950)

Maintenance of Property:

Recurring .....	(	2,000)
Non-Recurring and Replacements ..	(	43,850)

Extraordinary:

For additional court reporters and other court expenses related to the increased number of Superior and County Court judges, subject to the enactment of enabling legisla- tion .....	(	220,000)
Additions and Improvements .....	(	3,900)

73300. *Court Administration*

73310. Legal Services	\$426,331
73320. Probation Services	62,912
73390. Management Services	395,808

Total Appropriation	<u>\$885,051</u>
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Salaries:

Officers and employees	(\$689,703)
New positions	(65,062)
Positions transferred from another	
Subcategory	(9,722)
Materials and Supplies	(33,200)
Services Other Than Personal	(64,004)

Maintenance of Property:

Recurring	(7,900)
Non-Recurring and Replacements ..	(9,975)
Additions and Improvements	(5,485)

Total Appropriation, The Judiciary	<u>\$12,555,412</u>
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Total Appropriation, General State Operations	<u><u>\$999,373,687*</u></u>
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STATE AID

DEPARTMENT OF LAW AND PUBLIC SAFETY

160-150. *Division of Consumer Affairs—State Aid*

For payment of fees to counties and municipalities from the sale of solid fuel licenses in accordance with the provisions of R.S. 51:8-13, approximating

(\$1,800)

For payment of fees to counties and municipalities from the sale of poultry licenses in accordance with the provisions of R.S. 4:11-48, approximating

(200)

Sub-Total Appropriation	<u>\$2,000</u>
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190-150. *State Law Enforcement Planning Agency—State Aid*

For 25% of the non-Federal share of Law Enforcement Assistance Act projects undertaken by local govern- ments, in compliance with the Fed- eral Omnibus Crime Control and Safe Streets Act (\$1,000,000)	
Sub-Total Appropriation	\$1,000,000
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Total Appropriation, Department of Law and Public Safety	\$1,002,000
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DEPARTMENT OF THE TREASURY

*Administrative Division*210-150. *Storm Relief Fund—State Aid*

The unexpended balance as of June 30, 1973 in this
account is hereby appropriated.

*Division of Taxation*240-150. *Payment to Counties (Five Per Centum Inheritance
Taxes)—State Aid*

Payment to Counties (5% of Inheritance Taxes)	
R.S. 54:33-10	\$3,500,000
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There are hereby appropriated such additional
funds as may be required for payments to each
county pursuant to R.S. 54:33-10.

241-150. *County Boards of Taxation—State Aid*

Salaries:

Members (69)	\$433,125
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245-150. *Payments to Municipalities**(in lieu of Railroad Property Tax)—State Aid*

State Aid to certain municipalities in which railroad property is located, pursuant to C.54:29A-2 et seq.	\$9,429,111
Amount due from the assessment of Class II railroad property as adjusted (\$6,887,272)	
<i>Less: Amount of Class II Railroad Property Tax unpaid</i> (6,776,430)	
<i>Anticipated collections from Class II Railroad Property Tax</i>	110,842
Sub-Total Appropriation	<u>\$9,318,269</u>

In addition to the amount hereinabove, there are hereby appropriated such additional sums as may be required for the payment of State aid to certain municipalities in which railroad property is located pursuant to C.54:29A-2 et seq.

246-150. *Payments to Municipalities**(In Lieu of Business Personalty Tax)—State Aid*

There shall be distributed to or reserved for the several municipalities such sums as may be derived from the taxes received pursuant to C.54:11D-1.

247-150. *Distribution of 10% of Net Sales Tax Revenues to Municipalities—State Aid*

Distribution of Sales Tax revenues to municipalities, pursuant to C.54:32B-30 et seq.	<u>\$25,000,000</u>
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248-150. *Reimbursement to Municipalities for Senior
Citizens' Tax Deduction—State Aid*

State reimbursement to municipalities for one-half of the senior citizens' tax deduction pursuant to C.54:4-8.40 et seq.	\$14,500,000
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There are hereby appropriated such additional sums
as may be required to comply with C.54:4-8.40 et
seq.

Division of Pensions

295-150. *Consolidated Police and Firemen's Pension Fund
—State Aid*

State contribution pursuant to the provisions of R.S. 43:16-1 et seq.	\$4,345,740
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Total Appropriation, Department of the Treasury	\$57,097,134
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310. DEPARTMENT OF CIVIL SERVICE

Personnel Management

75500. *Merit System Administration—State Aid*

75530. Public Career Service Betterment	\$225,000
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Extraordinary:

Community Development Training . (\$225,000)

Total Appropriation, Department of Civil Service	\$225,000
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360. DEPARTMENT OF HEALTH

*Personal Health*22200. *Parental and Child Health Services—State Aid*

22210. Parental and Child Health	\$1,178,000
Sub-Total Appropriation	<u>\$1,178,000</u>

Extraordinary:

Hospitalization and convalescent care	(\$1,138,000)
Appliances	(40,000)

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior years.

*Community Health Programs*23200. *Local Health Services—State Aid*

23210. Local Health Services ..	<u>\$4,272,952</u>
Sub-Total Appropriation	<u>\$4,272,952</u>

Salaries:

Officers and employees	(\$134,777)
Materials and Supplies	(900)
Services Other Than Personal	(7,225)

Maintenance of Property:

Recurring	(50)
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Extraordinary:

State aid for basic health services, pursuant to C.26:2F-4	(525,000)
Special projects and development, pursuant to C.26:2F-7	(200,000)
State equalization aid for local health, pursuant to C.26:2F-6 ...	(3,405,000)

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The capitation is hereby set at \$2.00 for the calendar year 1974 for the purposes prescribed in C.26:2F-1 et seq.

Total Appropriation, Department of Health	\$5,450,952
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400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Aid Programs

41300. *Resource Management*

41310. Water Supply Management	\$1,317,000
41330. Marine Lands Management	2,350,000*
41340. Solid Waste Management	50,000

Sub-Total Appropriation	\$3,717,000*
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Extraordinary:

Passaic River basin flood control projects, pursuant to C.58:16B-1 et seq. (\$1,317,000)

Control of obnoxious aquatic vegetation in State-controlled lakes ... (25,000)

Shore protection projects, pursuant to C.12:6A-1 et seq., contingent upon no less than 25% participation by local governments—State share (1,975,000)

Grants for solid waste management programs (50,000)

To reconstruct and raise the elevation of the dike at the Repaupo Creek Watershed, contingent upon the balance of the cost to be paid from non-State fund sources (200,000)

To establish an emergency flood control project in Pennsauken Township including but not limited to diking and

bulkheading of streams in the area,
as the Commissioner may deem nec-
essary, to eliminate the flooding
problem (150,000)

To the town of Keansburg for repay-
ment to the State for costs incurred
on their behalf due to contract over-
runs on hurricane protection
projects (*)

The unexpended balance as of June 30, 1973 in this
account is hereby appropriated.

From the amount provided herein for Shore protec-
tion projects, pursuant to C.12:6A-1 et seq., a sum
not to exceed \$100,000 shall be made available,
without matching, for exploratory work to locate
borrow material for beachfill, to protect the beach
and property at State-owned parks and to main-
tain and repair existing shore protection jetties
and groins heretofore constructed with State aid.

46100. *Recreation Opportunities*

46120. Recreational Boating	\$562,724
Sub-Total Appropriation	<u>\$562,724</u>

Salaries:

Officers and employees	(\$262,348)
Position transferred from another Subcategory	(9,496)
Materials and Supplies	(15,980)
Services Other Than Personal	(11,200)

Maintenance of Property:

Recurring	(7,500)
Non-Recurring and Replacements ..	(5,500)

Extraordinary:

Construction, maintenance, improve-
ment and dredging of inland

waterways; bulkheading and
dredging at State marinas; and
dredging State-controlled lakes.. (250,000)
Additions and Improvements (700)
The unexpended balance as of June 30, 1973 in
this account is hereby appropriated.

49100. *Department Management*

49110. Department Management and Administra- tive Services	\$625,000
Sub-Total Appropriation	<u>\$625,000</u>

Extraordinary:

For transfer to the Agricultural
Experiment Station for airplane
spraying in counties bordering
on the Atlantic Ocean and Dela-
ware Bay and in such other
counties as the State Mosquito
Control Commission may desig-
nate (\$150,000)

For transfer to the Agricultural
Experiment Station for mosquito
control and extermination, pur-
suant to C.29:9-12.6 (350,000)

For transfer to the Agricultural
Experiment Station for mosquito
control on State-owned land (25,000)

Aid to local environmental agencies,
pursuant to P.L. 1972, c. 49 (100,000)

The unexpended balance as of June 30, 1973 in
this account is hereby appropriated.

Total Appropriation, Department of En- vironmental Protection	<u><u>\$4,904,724*</u></u>
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500. DEPARTMENT OF EDUCATION

*State Aid Programs*31100. *Financial Assistance to Local School Districts*

31101.	General Formula State Aid—Minimum Equalization and Additional	\$317,086,115
31102.	County Audio-Visual Aid	103,000
31104.	School Building Aid	40,072,973
31105.	Pupil Transportation	41,295,330
31106.	Aid to Non-Public Education	19,500,000
31107.	Aid for Children Resident in Institutions ..	1,137,951
31108.	Aid for Public School Safety	2,268,038
31110.	Special Education	53,697,953
31111.	Adult and Continuing Education	3,211,013
31112.	Emergency Aid	200,000
31113.	Innovative Projects	400,000
Sub-Total		<hr/> \$478,972,373 <hr/>

31200. *General Assistance Programs for Public Schools*

31210.	Curriculum Services	\$1,688,862
31250.	County Superintendents Offices	1,433,061
Sub-Total		<hr/> \$3,121,923 <hr/>

32100. *Programs for the Disadvantaged and Handicapped*

32110.	Programs for the Disadvantaged and Handicapped	\$500,000
32120.	Model Cities	100,000
32140.	Urban Education Corps	162,132
Sub-Total		<hr/> \$762,132 <hr/>

32400. *Programs for School Nutrition*

32410.	School and Non-School Nutrition Programs	\$6,149,403
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32500. *Career Development*

32510.	General Vocational Education	\$6,984,000
32520.	Aid for Part-time County Vocational Schools	1,613,315
32550.	Manpower Development and Training	271,000
	Sub-Total	\$8,868,315

34200.	<i>Programs for the State Library and Historical Commission</i>	
34210.	State Library and Historical Commission	\$9,095,091

34300. *Programs for the State Museum and New Jersey
School of the Arts*

34310.	State Museum and New Jersey School of the Arts	\$385,000
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39200. *General Support*

39220.	Other General Support	\$133,500
	Sub-Total Appropriation	\$507,487,737

Salaries:

County superintendents	(\$554,972)
Officers and employees	(2,124,678)
Materials and Supplies	(126,803)
Services Other Than Personal	(152,316)

Maintenance of Property

Recurring	(1,400)
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Extraordinary:

Interest on Public Building Con- struction Bonds—P.L. 1968, c. 128	(1,297,504)
Model Cities	(100,000)
Urban education corps	(50,000)

Career development	(1,684,000)
Senator James F. Murray, Jr., Historian Fund	(25,000)
Research library contracts	(\$321,000)
Workshops	(10,000)
Newark Museum Association	(385,000)
Innovative educational grants	(400,000)
Additions and Improvements	(1,500)
Grants-in-Aid:	
State school aid (NJS 18A:58-1 et seq.) formula (foundation, equalization, minimum)	(188,687,786)
Equalization and incentive aid (NJS 18A:58-1 et seq.)	(128,398,329)
Emergency fund	(200,000)
School building aid	(19,822,271)
School building aid debt service	(9,645,702)
Equalization and incentive building aid (NJS 18A:58-1 et seq.)	(10,581,937)
Transportation	(40,767,618)
Aid to non-public education	(19,500,000)
Children resident in institutions	(740,539)
Children resident on State-owned property	(397,412)
Public School Safety Act	(2,268,038)
County audio-visual aid centers	(100,000)
Special education program	(53,375,736)
Work-study program	(400,000)
High school equivalency	(1,130,000)
Adult education	(824,708)
Adult literacy	(889,000)
Evening schools for foreign-born residents	(150,000)
State school lunch aid	(6,090,173)
Vocational education	(3,500,000)
District and regional vocational schools	(1,613,315)
Manpower development and train- ing program—State share	(271,000)
State aid for certain libraries	(8,600,000)

Computerized bus scheduling (400,000)

For new and extension of vocational
education programs on a 2/1,
State/local matching basis:

Cooperative vocational educa-	} (1,400,000)
tion	
Health careers occupations . .	
Employment orientation for	
the disadvantaged and	
handicapped	
Shop and laboratory improve-	
ment in urban schools	
Vocational curriculum develop-	
ment services	

Pilot project for pre-school educa-
tion for the handicapped (500,000)

The unexpended balances as of June 30, 1973 in the
School Building Aid Debt Service, State School
Lunch Aid and Aid to Non-Public Education
accounts within Grants-in-Aid are hereby appro-
priated for the same purposes.

The unexpended balance as of June 30, 1973 in the
remaining Grants-in-Aid accounts, not to exceed
\$250,000, is hereby appropriated; provided, how-
ever, that the expenditure thereof shall be subject
to transfers approved as prescribed in section 3
of this act.

Of the amount hereinabove included for Equaliza-
tion and Incentive Aid (NJS 18A:58-1 et seq.),
not more than \$200,000 may be used for admin-
istrative expenses resulting from implementation
of the Equalization and Incentive Aid Program.

General Assistance for Public and Non-Public Education

31100. *Financial Assistance to Local School Districts—State Aid*

31103. Teachers' Pension and Annuity Fund \$153,526,600

Sub-Total Appropriation \$153,526,600

Grants-in-Aid:

State contribution to Teachers' Pension and Annuity Fund:

Normal contribution	(\$48,845,702)
Accrued liability	(25,435,494)
Payment on behalf of local employee veterans appointed after January 1, 1955	(186,810)
Premium for non-contributory insurance	(6,900,594)
Social Security Tax	(63,320,000)
Pension Increase Act	(8,838,000)

The unexpended balance as of June 30, 1973 in the Social Security Tax account is hereby appropriated.

The sum appropriated for the Social Security Tax shall be available for the payment of such tax applicable to the prior fiscal year.

Any adjustment in the Premium for non-contributory insurance shall be reflected in the appropriation for Normal contribution.

Notwithstanding the provisions of any other law, the sum appropriated for the State Contribution to Teachers' Pension and Annuity Fund may be paid to the Fund as follows: $\frac{1}{2}$ of such sum may be paid on July 1, 1973 and $\frac{1}{2}$ of such sum may be paid not later than January 1, 1974, together with any earnings received from the investment or deposit of such sum during the period July 1, 1973 through the date of such payment.

The unexpended balance as of June 30, 1973 in the Pension Increase Act account is hereby appropriated.

The sum in the Pension Increase Act account shall be available for the payment of such increase applicable to the prior fiscal year.

Total Appropriation, Department of Education	\$661,014,337
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New Jersey State Library

Of the amount hereinabove appropriated to the Department of Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Career development	\$1,684,000
Innovative education grants	300,000
State School Aid:	
School building aid debt service ..	2,719,702
Pupil transportation aid	5,276,618
Public School Safety Act	768,038
Special education program	11,410,736
Vocational education	200,000
District and regional vocational schools	413,315
New and extended vocational education	1,400,000
Pre-school education for the handicapped	500,000
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Total Appropriation from State Lottery Fund	\$24,672,409
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DEPARTMENT OF HIGHER EDUCATION

39000. *Department Management and General Support*

540-150. *Educational Purposes—State Aid*

39210. Support Services	\$46,988,082
State Aid Grants for County Colleges:	
Capital projects	(\$1,539,000)
Operational costs	(31,006,408)
Additional State aid grants to the several counties for operational costs of county colleges at the rate of \$50 per equated full-time student to be applied toward reduction of the county tax rate ...	
	(2,500,000)
Schools of professional nursing	(1,860,000)
Schools for industrial education	(90,000)

Debt service required pursuant to NJS 18:64A-22	(500,000)
Aid to independent colleges and universities, pursuant to NJS 18A:72B-1	(7,000,000)
Interest on Public Buildings Construc- tion Bonds—P.L. 1968, c. 128	(2,217,604)
Interest on Public Buildings Construc- tion Bonds—P.L. 1971, c. 164	(275,070)

Total Appropriation, Department of Higher Education	
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	\$46,988,082
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The unexpended balance as of June 30, 1973 in the Debt service account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1973 in the Aid to independent colleges and universities account is hereby appropriated for the same purpose.

An amount, not to exceed \$50,000 in the Aid to independent colleges and universities account is hereby appropriated for administrative expenses.

All other unexpended balances as of June 30, 1973 in this account are hereby appropriated.

In computing the State support for operational costs for any county college or any county-assisted junior college, there shall be excluded from the total operational costs of such college that portion of salary costs which may result from any salary schedule adopted by the college which is higher than the salary schedule in effect during the same fiscal (academic) year for the New Jersey State colleges.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove appropriated to the Department of Higher

Education, the sum hereinafter set forth is hereby appropriated from the State Lottery Fund:

County College operation costs including provision for 4,323 additional students	\$2,258,408
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Total Appropriation from State Lottery Fund	\$2,258,408
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600. DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61200. *Public Transportation Facilities—State Aid*

61205. Grade Crossing Projects	\$2,000,000
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Sub-Total Appropriation	\$2,000,000
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Extraordinary:

For the public share of the cost to eliminate grade crossings and for other projects, pursuant to C.48:12-49.1 et seq. (\$2,000,000)

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

61500. *Local Highway Facilities—State Aid*

61508. State Aid Road System Projects	\$10,800,000
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61510. Federal Aid Urban System	3,186,575
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61513. County and Municipal Aid Highway Projects	13,855,000
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Sub-Total Appropriation, Projects	\$27,841,575
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61509. Construction Engineering	\$1,177,383
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Sub-Total Appropriation	\$29,018,958
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Salaries:

Officers and employees	(\$1,135,808)
Materials and Supplies	(11,180)
Services Other Than Personal	(30,395)

Extraordinary:

Construction or reconstruction of municipal roads on the basis of \$100,000 per county, pursuant to C.27:15-1.14	(2,100,000)
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Reconstruct county and municipal roads, pursuant to C.27:13-10 et seq.	(200,000)
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Extraordinary State aid for county highways, pursuant to P.L. 1966, c. 33	(8,500,000)
Extraordinary State aid for mu- nicipal highways, pursuant to P.L. 1966, c. 33	
State aid for county and munici- pal highways, pursuant to C.27:13A-1 et seq.	

Federal Aid Urban System High- way Projects	(3,186,575)
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Construction, reconstruction, main- tenance and repair, operation, po- licing, and lighting of county roads and bridges; for the pay- ment of principal and interest of obligations heretofore incurred for any of such purposes and for the extension of the county high- way system, pursuant to C.52:27B-20	(8,000,000)
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Construction, reconstruction, main- tenance and repair of county roads and bridges on the basis of \$55,000 per county, pursuant to R.S. 27:14-1	(1,155,000)
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Construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads, pursuant to R.S. 27:15-1	(4,500,000)
County and municipal aid for lighting	(200,000)
The unexpended balance as of June 30, 1973 in this account is hereby appropriated.	
Total Appropriation, Department of Transportation	\$31,018,958

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefits Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Administration—General

700-150. *Veterans' Services—State Aid*

Veterans' Orphans Fund—Educational	\$160,500
Payment to Blind Veterans	63,750
Payment to Paraplegic and Hemiplegic Veterans ..	185,750
Sub-Total Appropriation	\$410,000

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

700-151. *County Tuberculosis Hospitals—State Aid*

For the support of patients in county tuberculosis hospitals, pursuant to R.S. 30:9-54:

Bergen	}	\$5,000
Camden		
Essex		
Hudson		
Middlesex		
Passaic		
Sub-Total Appropriation		<u>\$5,000</u>

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

700-152. *Special Aid—State Aid*

For payment to the Hudson County Board of Chosen Freeholders for additional emergency aid to Meadowview Hospital for expenditures pursuant to the provisions of P.L. 1972, c. 213 as they apply to said hospital	<u>\$500,000</u>
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Administration—General	<u>\$915,000</u>
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Division of Medical Assistance and Health Services

714-150. *Medical Assistance—State Aid*

For the purpose of making payments for the State share of Medical Assistance, pursuant to C.30:4D-1 et seq.	\$172,273,000
Initial implementation costs of P.L. 92-603	16,000,000
Total Appropriation	<u>\$188,273,000</u>

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under C.30:4D-1 et seq., during the fiscal year ending June 30, 1973, and in addition thereto, all such funds recovered under C.30:4D-1 et seq., during the fiscal year ending June 30, 1974, are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

So much of the sums received by the various State institutions from payments made pursuant to C.30:4D-1 et seq., that represents the State share of medical assistance, not otherwise anticipated, is hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance pursuant to C.30:4D-1 et seq.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance, pursuant to C.30:4D-1 et seq.

Of the \$16,000,000 for Initial implementation costs of P.L. 92-603, an amount not to exceed \$500,000 may be used for administrative costs.

Division of Public Welfare

715-150. Old Age Assistance—State Aid

For the purposes of making payments for the State share of Old Age Assistance, pursuant to R.S. 44:7-25

\$7,600,000

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under R.S. 44:7-14 during the fiscal year ending June 30, 1973, and in addition thereto, all such funds recovered under R.S. 44:7-14 during the fiscal year ending June 30, 1974 are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

715-151. *General Assistance—State Aid*

For the purpose of making payments to municipalities for the State share of the cost of General Assistance, pursuant to C.44:8-134

\$19,262,000

The unexpended balance as of June 30, 1973 in this account, together with receipts from State administered towns during fiscal year 1973-74, are hereby appropriated.

The sums hereinabove shall be available for the payment of bills applicable to prior fiscal years.

715-152. *Disability Assistance—State Aid*

For the purpose of making payments for the State share of Assistance to the Permanently and Totally Disabled, pursuant to C.44:7-38 et seq.

\$11,600,000

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under R.S. 44:7-14 during the fiscal year ending June 30, 1973 and in addition thereto, all such funds recovered under R.S. 44:7-14 during the fiscal year ending June 30, 1974 are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

715-153. *Dependent Children Assistance—State Aid*

For the purpose of making payments for the State share of cost of Dependent Children Assistance, pursuant to C.44:10-4 et seq.

\$135,500,000

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under C.44:10-4 et seq., during the fiscal year ending June 30, 1973, and in addition thereto, all such funds recovered under C.44:10-4 et seq., during the fiscal year ending June 30, 1974 are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

A sum not to exceed \$200,000 may be made available from the amount appropriated herein for payment of the State share of costs of fair hearings; provided, however, that the expenditure thereof shall be subject to transfers as prescribed in section 3 of this act.

715-155. *Blind Assistance—State Aid*

For the purpose of making payments for the State share of Blind Assistance, pursuant to C.30:4B-1 et seq., and C.30:4C-2 et seq.

\$443,000

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under C.30:4B-1 et seq., during the fiscal year ending June 30, 1973 and in addition thereto all such funds recovered under C.30:4B-1 et seq., during the fiscal year ending June 30, 1974 are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

715-156. *Families of the Working Poor Assistance—State Aid*

For the purposes of making payments for the State share of costs of Families of the Working Poor Assistance, pursuant to C.44:13-1 et seq.

\$13,720,000

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under C.44:13-1 et seq., during the fiscal year ending June 30, 1973, and in addition thereto, all such funds recovered under C.44:13-1 et seq., during the fiscal year ending June 30, 1974, are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Division of Public Welfare

\$188,125,000

*Division of Youth and Family Services*717-150. *Child Care—State Aid*

For the purpose of making payment for the State share of Child Care costs of children under the care of the Division of Youth and Family Services, pursuant to C.30:4C-1 et seq.

\$13,513,000

The unexpended balance as of June 30, 1973 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under C.30:4C-1 et seq., during the fiscal year ending June 30, 1973 and in addition thereto, all such funds recovered under C.30:4C-1 et seq., during the fiscal year ending June 30, 1974 are hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Division of Youth and Family Services

\$13,513,000

*Division of Mental Health and Hospitals**770-150. County Mental Hospitals—State Aid*

For the Support of Patients in County Mental Hospitals, pursuant to R.S. 30:4-78:

Atlantic	\$350,000
Burlington	368,000
Camden	1,720,000
Cumberland	420,000
Essex	8,580,000
Hudson	4,400,000
Bergen County Geriatric Psychiatric Unit	100,000

Sub-Total Appropriation	<u>\$15,938,000</u>
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

770-152. Community Mental Health Services—State Aid

For the establishment, development, improvement, and expansion of community mental health services

\$2,974,704

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

These funds shall be available for training stipends, training programs and the support of demonstration projects in mental health to the extent that the appropriation exceeds the funds required for the aid program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Division of Mental Health and Hospitals	<u>\$18,912,704</u>
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Total Appropriation, Department of Institutions and Agencies	<u><u>\$409,738,704</u></u>
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800. DEPARTMENT OF COMMUNITY AFFAIRS

*Administration—State Aid*42100. *Development of Community Programs and
Human Resources*

Human Resources	\$6,299,356
Housing	4,485,000
Local Government Services	39,139,000
Management and General Support	531,694

Sub-Total Appropriation	<u>\$50,455,050</u>
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Salaries	(\$482,994)
Materials and Supplies	(8,400)
Services Other Than Personal	(40,200)
Maintenance of Property	(100)

Extraordinary:

State and Local Shares to Match

Non-State Fund Grants:

Economic Opportunity Programs (1,000,000)

Youth Employment Program (1,564,356)

State Programs in Aid of Local

Agencies:

Model Cities Assistance (2,600,000) |Public Service Training—Intern-
ships (275,000) |Housing and Urban Renewal Dem-
onstration Projects:Revolving Housing Development
and Demonstration Grant Fund,
pursuant to P.L. 1969, c. 64 (2,420,000)Urban Renewal Assistance, not to
exceed 50% of Local share (780,000)Code Enforcement and Housing
Inspection (800,000) |Relocation and Down Payment
Assistance (485,000) |Neighborhood Educational Centers,
pursuant to C.18A :54A-1 et seq. (430,000)Municipal Staff Interchange Assist-
ance (18,000) |

To the capital district for municipal services and in lieu of taxes:

Trenton	(560,000)
Ewing Township	(300,000)

For municipal aid, subject to enabling legislation, to provide assistance to cities with a minimum population of 15,000 and with other qualifying factors (24,500,000)

To provide assistance to municipalities receiving State municipal aid, so as to improve the safety and cleanliness of neighborhoods; provided, however, that a municipality matches its allocation with an equal amount; and provided, further, that no municipality receives more than \$1.0 million, subject to the enactment of enabling legislation (12,000,000)

Municipalities' franchise tax replacement pursuant to P.L. 1972, c. 211 (1,350,000)

County offices on Aging, pursuant to C.40:23-6.38 (205,000)

Program development (500,000)

Continuing Planning Assistance Program:

To assist municipalities with master plans to establish planning as a continuing process; provided, however, that the State share to a municipality with a population of less than 50,000 according to the 1970 census shall not exceed \$3,000 in any given year; and that the State share to a municipality with a population of 50,000 or more according to the 1970 census

shall not exceed \$5,000 in any given year; and that the State share to a county or Regional Planning Agency shall not exceed \$5,000 in any given year; and that each of these shall be adjusted over a 6-year period from a maximum of 50% of the cost in the first year to 0% in the sixth year (136,000)

Appropriations made for State and local shares to match non-State fund grants are hereby made available for expenditure, contingent upon receipt of not less than a like sum from non-State fund sources.

The funds hereinabove for Relocation and down payment assistance shall be applicable to the fiscal year 1973-74 only; provided, however, that the Commissioner, Department of Community Affairs be empowered to continue existing contracts for rent supplements in accordance with the provisions of C.52:27D-66.

No funds in the Continuing planning assistance account shall be available for expenditure unless matched by a participating local agency; provided, however, that said limitation shall be inapplicable to planning necessitated by the impact of any development or construction, or the removal of construction thereof, by any State agency, State authority or Federal agency; and provided that all participating local agencies shall conform with technical standards and procedures established by, and be under contract with, the Department of Community Affairs.

The unexpended balance as of June 30, 1973, not to exceed \$400,000, excluding the Continuing planning assistance account is hereby appropriated.

Notwithstanding the limitation on Urban renewal assistance not to exceed 50% of local share, any funds advanced under the provisions of

C.52:27D-50, which may subsequently be treated as a grant as therein provided, shall be disregarded in calculating the State 50% contribution toward the local share; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 of the Revolving Housing Development and Demonstration Grant Fund account, together with receipts, are hereby appropriated.

The amount hereinabove for Code enforcement and housing inspection and the amount in the General State Operations section for Cooperative housing inspection shall be payable from fees and fines derived therefrom and receipts in excess of those anticipated from such fees and fines are hereby appropriated for additional operating costs; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 in the Municipalities franchise tax replacement account is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Interest on Bonds—State Aid

Interest on State Housing Assistance Bonds—P.L. 1968, c. 127	\$668,300
	<hr/>
Total Appropriation, Department of Community Affairs	\$51,123,350
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970. THE JUDICIARY

*Judicial Affairs*73100. *Court Operations—State Aid*

For amounts to be paid to various counties representing 40% of the salaries of county court judges, pursuant to NJS 2A:3-19	\$1,468,510
To increase the number of county court judges by 5, subject to enactment of enabling legislation	64,000
Reimbursement to counties for the cost of county court judges temporarily assigned to the Superior Court outside their counties, pursuant to C.2A:3-19.1	25,000
Total Appropriation, The Judiciary	<u>\$1,557,510</u>

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The amount hereinabove shall be available for any deficiency in this account as of June 30, 1973.

Total Appropriation, State Aid	<u>\$1,270,120,751*</u>
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CAPITAL CONSTRUCTION

DEPARTMENT OF LAW AND PUBLIC SAFETY

110-170. *Division of Law*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

120-170. *Division of State Police*

Capital Construction:

Records and identification building	<u>\$4,992,000</u>
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Funds derived from the sale of any lands or buildings held by the Division of State Police are

hereby appropriated for the acquisition of other lands, for rehabilitation or improvement of existing installations and for the construction of new buildings for use by the Division of State Police; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

140-170. *Division of Motor Vehicles*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Such sum as may be received from the sale or exchange of the Wilson Avenue site in Newark, acquired for a motor vehicle inspection station, for such other site in the City of Newark as may be obtained from the Housing Authority of Newark or the Newark Industrial Corporation which shall be used for the same purpose is hereby appropriated; provided, however, that said sum shall be applied only to the cost of an inspection station to be built in the City of Newark.

Total Appropriation, Department of Law and
Public Safety

\$4,992,000

DEPARTMENT OF THE TREASURY

210-170. *Administrative Division*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The balance in the Advance Planning and Architectural Services Revolving Fund as of June 30, 1973, together with refunds from appropriations made for such planning, architectural services or construction, are hereby appropriated as a revolving fund for such services related to future building construction by the State, or lease with option-to-buy projects; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

230-170. *Division of Purchase and Property*

Capital Construction:

Steam boiler and allied equipment, State House	\$210,000
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Sub-Total Appropriation, Division of Purchase and Property	\$210,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Department of the Treasury	\$210,000
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340. DEPARTMENT OF DEFENSE

*Protection Against Natural and Man-Made Hazards*13100. *National Guard and Civil Defense*

Capital Construction:

Salem armory planning	\$40,000
Vault construction programs	94,000
Intrusion detection systems	36,000

Sub-Total Appropriation, National Guard and Civil Defense	\$170,000
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Funds derived from the sale of any buildings or lands held by the Department of Defense are hereby appropriated for the acquisition of other lands, for rehabilitation or improvement of existing installations and for the construction of new buildings for use by the State military or naval services; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1973 in this account is hereby appropriated and any additional Federal aid made available by the Congress for capital construction purposes is hereby appropriated for use by the Department of Defense.

Total Appropriation, Department of Defense	\$170,000
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350. DEPARTMENT OF PUBLIC UTILITIES

34500. *New Jersey Public Broadcasting*

Capital Construction:

Redemption of Public Buildings Construction Bonds—P.L. 1968, c. 128	\$109,000
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Such sums as may be received or receivable from the Federal government or received from private donations are hereby appropriated for capital projects as the Authority may recommend and shall not be expended or contracted for without the approval of the Governor.

Total Appropriation, Department of Public Utilities	\$109,000
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360. DEPARTMENT OF HEALTH

*Community Health Programs*23300. *Narcotic and Drug Abuse Control*

Capital Construction:

Redemption of Public Buildings and Construction Bonds—P.L. 1968, c. 128	\$87,000
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Total Appropriation, Department of Health	\$87,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

41300. *Resource Management**Division of Water Resources*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The proceeds derived from the sale or exchange, based upon fair market value, of State-owned land, and/or buildings heretofore acquired under R.S. 13:13-1 et seq. are hereby appropriated for

the acquisition of and/or easement over adjacent lands for the purpose of protecting Delaware and Raritan Canal waterways, the rehabilitation of existing flood guard and towpath embankments and related appurtenances thereto; and for replacing Delaware and Raritan Canal maintenance service centers; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Division of Fish, Game and Shell Fisheries

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

46100. *Recreation Opportunities*

Division of Marine Services

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The proceeds derived from the sale or exchange, based upon fair market value, of State-owned land and marinas are hereby appropriated for the acquisition of other lands or for the construction of new buildings to be used by the Division of Marine Services; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Division of Parks and Forestry

Capital Construction:

Forests, parks and recreational area development, land acquisition, and historic sites restoration including roads and approaches...

\$4,000,000

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

The unexpended balance of the proceeds derived since July 1, 1962, from the sale or exchange,

based upon the fair market value, of State-owned land heretofore acquired under Title 13 is hereby appropriated for the purpose described in Title 13 and particularly as set forth in C.13:1-18; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

49100. *Department Management*

Redemption of Bonds

Capital Construction:

Redemption of Water Development Bonds—P.L. 1958, c. 35	\$2,500,000
Redemption of Recreation and Conservation Land Acquisition Bonds—P.L. 1961, c. 46	2,600,000
Redemption of Water Conservation Bonds—P.L. 1969, c. 127	1,525,000
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Total Appropriation, Redemption of Bonds	\$6,625,000
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Total Appropriation, Department of Environmental Protection	\$10,625,000
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500. DEPARTMENT OF EDUCATION

31200. *General Assistance Programs for Public Schools*

Capital Construction:

Redemption of Public Building Construction Bonds—P.L. 1968, c. 128	\$399,000
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32500. *Career Development*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

34100. *Programs for the Deaf*
Marie H. Katzenbach School for the Deaf

Capital Construction:

Fire detection system	\$10,000
Renovations, older buildings	50,000
Roads and approaches	30,000

Total Appropriation, Marie H. Katzenbach School for the Deaf	\$90,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

34300. *Programs for the State Museum and New Jersey*
School of the Arts

Capital Construction:

Exhibit design and fabrication	\$50,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Department of Edu- cation	\$539,000
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540. DEPARTMENT OF HIGHER EDUCATION

39200. *Department Management and General Support*

Capital Construction:

Redemption of State Higher Educa- tion Bonds—P.L. 1959, c. 10	\$7,000,000
Redemption of State Higher Educa- tion Construction Bonds—P.L. 1964, c. 142	1,000,000
Redemption of State Public Build- ings Construction Bonds—P.L. 1968, c. 128	2,940,000

Total Appropriation, Redemption of Bonds ..	\$10,940,000
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33000. *Higher Education—Institutional Programs*570-170. *Rutgers, The State University*

Capital Construction:

Redemption of Mortgage	\$250,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

572-170. *Agricultural Experiment Station**

Blueberry-Cranberry Research Station at Oswego .

Research and Development Center, Centerton

Fruit Research Center, Cream Ridge

Total Appropriation	
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

573-170. *College of Medicine and Dentistry of New Jersey*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

594-170. *State College Construction*

Capital Construction:

Miscellaneous Capital	\$250,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Department of Higher Education	\$11,440,000*
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612. DEPARTMENT OF TRANSPORTATION

61100. *State Highway Facilities—State Highway Construction*

Capital Construction:

61101. Federal Aid Interstate Highway Projects (90-10)	\$11,359,289
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61102. Federal Aid Primary—Urban Highway Projects	8,002,026
61103. Urban Area Traffic Operations Improvement Program (TOPICS)	1,828,819
61104. Federal Aid Primary—Rural Highway Projects	453,531
61106. Non-Federal Aid Highway Projects	20,000,000
Non-participating portion of Federal aid projects(\$5,000,000) State highway construc- tion	(15,000,000)
61110. Federal Aid Urban System Highway Projects	2,135,784
61111. Federal Aid Bridge Replacement Projects	2,100,000
Sub-Total Appropriation, Projects	<u>\$45,879,449</u>
61109. Highway Construction Engineering	\$10,488,037
Salaries:	
Officers and employees	(\$22,782,773)
Positions transferred from other Subcategories	(17,099)
Materials and Supplies	(250,365)
Services Other Than Personal	(2,921,960)
Maintenance of Property:	
Recurring	(7,690)
Non-Recurring and Replacements..	(8,150)
Less:	
Portion of Federal aid receivable which is applicable to Highway Construction Engineering costs..	(9,000,000)
Portion of Construction program to be allocated for the cost of State employees in lieu of personal ser- vices by contract for engineering, design, construction and right-of- way acquisition	(6,500,000)
Sub-Total Appropriation, State Highway Facilities—State Highway Construction..	<u>\$56,367,486</u>

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

In addition to the amounts hereinabove appropriated for State Highway Construction, there are hereby appropriated such sums as may be received or receivable from, or authorized or allocated by the Federal government, the New Jersey Turnpike Authority, the New Jersey Highway Authority, the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority, the Port Authority of New York and New Jersey, the Atlantic City Expressway Authority, the Delaware River and Bay Authority and local government jurisdictions, for construction purposes.

The sums provided herein for State Highway Construction shall be set forth in a construction program, by route number within the Program Elements of the appropriation, by the Commissioner of Transportation and shall not be expended or contracted for without the approval of the Governor.

From the amount provided herein for State Highway Construction and the purchase of right-of-way, there may be allocated such amounts as the Commissioner of Transportation may determine for personal services by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

From the amount provided herein for the State-share of Federal aid projects, not more than \$4,000,000 may be used for non-participating portions of Federal aid projects; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Of the amount provided hereinabove for State highway construction, a sum of \$2,500,000 shall be used for the elimination of extremely hazardous highway conditions and, a sum of \$500,000 shall be used for planning and design of Route 169 from 30th Street south to the Bayonne Bridge in Hudson County.

61112. *Physical Plant Construction Projects*

Capital Construction:

Maintenance facilities, site acquisitions	\$100,000	
Maintenance facilities	850,000	
Advance planning	50,000	
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Sub-Total Appropriation		\$1,000,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

61200. *Public Transportation Facilities*

61206. Public Transportation Facilities	\$10,000,000	
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Sub-Total Appropriation		\$10,000,000
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Extraordinary:

Delaware River Port Authority mass transportation development program—State share	(\$10,000,000)
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61400. *Redemption of Bonds*

Capital Construction:

Redemption of Highway Improvement Bonds—P.L. 1930, c. 288...	\$690,000	
Redemption of State Transportation Bonds—P.L. 1968, c. 126....	8,950,000	
		<hr/>

Sub-Total Appropriation, Redemption of Bonds	\$9,640,000
Total Appropriation, Department of Transportation	<u>\$77,007,486</u>

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C.54:8A-58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefits Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Administration—General

700-113, 114, 115. *Redemption of Bonds*

Capital Construction:

Redemption of Institution Construction Bonds—P.L. 1960, c. 156	\$1,800,000
Redemption of Institutional Construction Bonds—P.L. 1964, c. 144	2,000,000
Redemption of Public Building Construction Bonds—P.L. 1968, c. 128	1,365,000
Total Appropriation, Redemption of Bonds	<u>\$5,165,000</u>

700-170. *Division of Business Management*

Capital Construction:

Advance planning and design	<u>\$500,000</u>
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

700-180. *Division of Community and Professional Services*

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

12900. *Division Management and General Support*730-170. *Division of Correction and Parole*

Capital Construction:

Renovation Hospital Infirmary, State Prison, Trenton	\$67,000
X-ray Unit, State Prison, Trenton ..	113,000
Renovation Infirmary, State Prison, Rahway	219,000
Administrative segregation units at Trenton and Rahway prisons and at Vroom Building	2,345,000
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Total Appropriation, Division of Correction and Parole	\$2,744,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

25100. *Residential Functional Services*760-170. *Division of Mental Retardation*

Capital Construction:

Additional fire protection, North Jersey Training School at Totowa	\$180,000
Renovation food service building, Woodbine State School	168,000
Fire alarm and communication system, New Lisbon State School	84,000
Renovations sewage disposal plant, New Lisbon State School	127,000
Air condition cottages, Woodbridge State School	1,655,000
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Total Appropriation, Division of Mental Retardation	\$2,214,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

770-170. *Division of Mental Health and Hospitals*

Capital Construction:

Repair roofs, Ancora Psychiatric Hospital	\$200,000
Fire Protection Systems, New Jersey Neuropsychiatric Institute	100,000
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Total Appropriation, Division of Mental Health and Hospitals	\$300,000
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The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Department of Institutions and Agencies	\$10,923,000
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Of the amount hereinabove appropriated to the Department of Institutions and Agencies, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Institution advance planning and design	\$150,000
State Prison, Trenton:	
Renovation, hospital/infirmery ..	67,000
X-ray unit	113,000
State Prison, Rahway:	
Renovation of infirmary	219,000
Administrative segregation units at Trenton and Rahway Prisons and at Vroom building	2,345,000
Additional fire protection, North Jersey Training School at Totowa	180,000
Renovation food service building, Woodbine State School	168,000
New Lisbon State School:	
Fire alarm and communication system	84,000
Renovations, sewage disposal plant	127,000
Air condition cottages, Woodbridge State School	1,655,000

Repair roofs, Ancora Psychiatric Hospital	200,000
Fire protection systems, New Jersey Neuropsychiatric Institution	100,000
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Total Appropriation from State Lottery Fund	\$5,408,000
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DEPARTMENT OF COMMUNITY AFFAIRS

42100. *Development of Community Programs and
Human Resources*801-110. *Redemption of Bonds*

Capital Construction:

Redemption of State Housing Assistance Bonds— P.L. 1968, c. 127	\$100,000
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Total Appropriation, Department of Com- munity Affairs	\$100,000
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MISCELLANEOUS EXECUTIVE COMMISSIONS

911-170. *Palisades Interstate Park Commission*

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, together with the unexpended balances from such revenues as of June 30, 1973, are hereby appropriated for maintenance of such stations, for capital projects and for extraordinary maintenance.

In addition to the amounts hereinabove appropriated for capital construction at the New Jersey portion of the Palisades Interstate Park, there are hereby appropriated such sums as may be received or receivable from the Federal government for capital construction purposes.

914-170. *Delaware River Basin Commission*

Capital Construction:

To reimburse the Federal government, when required, for funds advanced during construction of multi-purpose dams in the Delaware River Basin

\$2,000

The unexpended balance as of June 30, 1973 in this account is hereby appropriated.

Total Appropriation, Miscellaneous Executive Commissions

\$2,000

Total Appropriation, Capital Construction

\$116,204,486*

Grand Total Appropriations

\$2,385,698,924*

2. In addition to the amounts hereinabove specifically appropriated, there are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenues; Federal and other non-State funds received or receivable for the use of the State or its agencies in excess of those anticipated; sums received representing insurance to cover losses by fire and other casualties; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; private funds contributed to the State; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

3. In order that there be flexibility in the handling of appropriations, any department or agency, except the Legislature and any of its agencies, receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation. Such application shall be made only during the current year for which the appropriation was made, and if the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount so transferred to the credit of the item so designated and so notify the Executive Director, Office of Fiscal Affairs upon the effective date thereof; provided, however, that no sum

appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary highway maintenance; and provided further, that any item for capital improvement may be transferred to any other item of capital improvement. Regarding appropriations made to the Legislature or its agencies, upon request of the spending authority, the Executive Director, Office of Fiscal Affairs, may transfer part of any item to any other item within an appropriation and so notify the Director of the Division of Budget and Accounting upon the effective date thereof.

4. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, except for the Legislature and any of its agencies, the duties or responsibilities of which are or may hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering the functions of such department or branch so transferred. The Director of the Division of Budget and Accounting shall also have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon the effective date of such transfers. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Executive Director, Office of Fiscal Affairs, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

5. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds for payment of pensions, contributions to pension funds, social security tax, unemployment compensation contributions, health benefits, debt service, charges for rent, telephone, insurance and postage to credit or transfer to the Department of the Treasury, or to the General State Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State

fund source as the Director of the Division of Budget and Accounting shall determine. Any receipts in any non-State fund are hereby appropriated for the purpose of such transfer.

6. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate details the facts thereof, and the reasons therefor, attested by the signature of said Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon the effective date of such ruling.

7. The Director of the Division of Budget and Accounting is hereby empowered, notwithstanding any other provision of law, to transfer or credit from the various appropriations for construction, reconstruction, additions to and betterments of State buildings and appurtenances thereto, herein contained, to the appropriation for the Division of Building and Construction of the Department of the Treasury a sufficient sum to pay for the cost of all architectural work, superintendence and other expert services in connection with such work.

8. The Director of the Division of Budget and Accounting is empowered to establish revolving funds as required. Notice of the establishment of such revolving funds shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon the effective date thereof.

9. The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center from any appropriation made to any department for data processing costs which had been appropriated or allocated to such departments for their share of costs of such data processing center.

10. 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.

11. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board a sum to establish a petty cash fund, for the payment of expenses under rules and regulations established by said Director. The allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said Director shall likewise make regulations governing disbursement from petty cash funds.

12. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$25 due and owing to the State.

13. The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$250 out of any appropriations made to the several departments, provided such claim is recommended for payment by the Attorney General. Any claimant who has presented a claim not exceeding \$250 which has been denied or not recommended by the Attorney General shall be precluded from presenting said claim to the Legislature for consideration. Notice and description of such claim payment as hereinabove described shall be transmitted to the Executive Director, Office of Fiscal Affairs, at the time such payment is made.

14. There are hereby appropriated the unexpended balances as of June 30, 1973 in the accounts of the several departments and agencies heretofore appropriated or established in the categories of Maintenance of Property: Non-Recurring and Replacements, and Additions and Improvements where such unexpended balances exceed \$100.

15. Any change by the Department of Institutions and Agencies in the standards upon which or from which grants of categorical public assistance are determined, shall first be approved by the Director of the Division of Budget and Accounting. Notice and description of such changes as hereinabove described shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon

approval of such changes by the Director of the Division of Budget and Accounting.

16. Unless otherwise provided, Federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General State Fund. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

17. Unless otherwise provided, balances remaining as of June 30, 1973 in accounts of appropriations enacted subsequent to April 4, 1973 are hereby appropriated as determined by the Director of the Division of Budget and Accounting.

18. This act shall take effect July 1, 1973.

Approved except as to items set forth in the statement appended hereto dated June 26, 1973.

*STATEMENT ON SENATE BILL No. 2250

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 2250, at the time of signing it, this statement of the items or parts thereof to which I object, so that each item or part thereof so objected to shall not take effect.

On Pages 8 and 9:

“OFFICE OF FISCAL AFFAIRS”

* * * * *

“004-102. *Division of State Auditing*”

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“New positions	(\$23,632)	
Salaries		\$824,639”
* * * * *		
“Sub-Total Appropriation		\$946,539”

These items are reduced to \$15,780; \$816,787; and \$938,687, respectively.

On Page 9:

“004-103. *Division of Budget Review*”

	* * * * *	
“New positions	(\$95,566)	
Salaries		\$237,722”
	* * * * *	
Sub-Total Appropriation		\$253,222”

These items are reduced to \$31,627; \$173,783; and \$189,283, respectively.

On Page 10:

“Total Appropriation, Office of Fiscal Affairs	\$1,765,265”
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This item is reduced to \$1,693,474.

On Page 40:

“330. DEPARTMENT OF AGRICULTURE

Environmental Management

41100. *Disease Control and Agricultural Development Services*”

	* * * * *	
“41130. Resource Development Services		\$410,477”
	* * * * *	
“Total Appropriation		\$1,697,985”

These items are reduced to \$310,477 and \$1,597,985, respectively.

“Soil Conservation

This item is deleted in its entirety.

On Page 42:

“Total Appropriation, Department of Agriculture	\$3,518,640”
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This item is reduced to \$3,418,640.

On Page 61:

“400. DEPARTMENT OF ENVIRONMENTAL PROTECTION”

* * * * *

“*Recreation Management*

46100. *Recreation Opportunities*

46110. Parks Management \$4,797,330”

* * * * *

“Total Appropriation \$6,543,825”

* * * * *

“Services Other Than Personal ... (\$505,213)”

These items are reduced to \$4,772,330; \$6,518,825; and \$480, 213, respectively.

On Page 64:

“Total Appropriation, Department of
Environmental Protection \$29,534,942”

This item is reduced to \$29,509,942.

On Page 73:

“540. DEPARTMENT OF HIGHER EDUCATION”

* * * * *

“33000. *Higher Education Institutional Programs*

550-100. *Glassboro State College*”

* * * * *

“33970. Institutional Support \$3,052,987”

“Total Appropriation \$14,558,896”

* * * * *

“Services Other Than Personal ... (\$808,661)”

These items are reduced to \$3,002,987; \$14,508,896; and \$758,661, respectively.

On Page 80:

*“Rutgers, The State University
570-100. General University”*

* * * * *

“33970. Institutional Support \$24,362,182

Sub-Total, General Operations \$112,275,806”

* * * * *

“Total All Operations \$137,275,806”

* * * * *

“Appropriation, Exclusive of Land
Grant Interest \$63,988,565”

* * * * *

“Sub-Total Appropriation, General
University \$63,994,365”

* * * * *

“Services Other Than Personal ... (\$6,638,944)”

These items are reduced to \$24,162,182; \$112,075,806;
\$137,075,806; \$63,788,565; \$63,794,365; and \$6,438,944, respectively.

On Page 82:

“572-100. Agricultural Experiment Station

33110. Separately Budgeted Research \$5,019,582”

* * * * *

“Sub-Total General Operations \$10,496,541”

* * * * *

“Total All Operations \$12,796,541”

* * * * *

“Sub-Total Appropriation, Agricultural
Experiment Station \$8,323,945”

These items are reduced to \$4,954,582; \$10,431,541; \$12,731,541;
and \$8,258,945, respectively.

“Improve asparagus marketing
system (\$65,000)”

This item is deleted in its entirety.

On Page 83:

“Total Appropriation, Rutgers, The State University	\$72,318,310”
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This item is reduced to \$72,053,310.

On Page 88:

“Total Appropriation, Department of Higher Education	\$265,423,161”
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This item is reduced to \$265,108,161.

On Page 131:

“Total Appropriation, General State Operations	\$999,885,478”
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This item is reduced to \$999,373,687.

On Page 135:

“STATE AID”

* * * * *

“400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Aid Programs

41300. *Resource Management*”

* * * * *

“41330. Marine Lands Management	\$2,620,282”
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* * * * *

“Sub-Total Appropriation	\$3,987,282”
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These items are reduced to \$2,350,000 and \$3,717,000, respectively.

On Page 136:

“To the town of Keansburg for repayment to the State for costs incurred on their behalf due to contract overruns on hurricane protection projects (\$270,282)”

This item is deleted in its entirety.

On Page 137:

“Total Appropriation, Department of Environmental Protection	\$5,175,006”
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This item is reduced to \$4,904,724.

On Page 156:

“Total Appropriation, State Aid	\$1,270,391,033”
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This item is reduced to \$1,270,120,751.

On Page 162:

“CAPITAL CONSTRUCTION”

* * * * *

“540. DEPARTMENT OF HIGHER EDUCATION”

* * * * *

“33000. *Higher Education—Institutional Programs*”

* * * * *

“572-170. *Agricultural Experiment Station*

Blueberry-Cranberry Research Station at Oswego	\$195,000
Research and Development Center, Centerton ..	45,000
Fruit Research Center, Cream Ridge	30,000
Total Appropriation	\$270,000”

These items are deleted in their entirety.

“Total Appropriation, Department of Higher Education	\$11,710,000”
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This item is reduced to \$11,440,000.

On Page 169:

“Total Appropriation, Capital Construc- tion	\$116,474,486
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Grand Total Appropriations	\$2,386,750,997”
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These items are reduced to \$116,204,486 and \$2,385,698,924, respectively.

Senate Bill No. 2250 is the general appropriations bill for the fiscal year ending June 30, 1974.

The Appropriations Committee increased the budget recommended by this Administration by \$6,145,273. I have concurred in a number of these increases, but there are some items with which I cannot fully agree. I have therefore either reduced these items or deleted them entirely from the appropriations bill. In addition, some budget recommendations have upon further examination been found to have been not fully justified and I have reduced these items.

On pages 8 to 10 are the appropriations for the Office of Fiscal Affairs. The budget message recommended the appropriations as they appear in Senate Bill No. 2250. However, the appropriate statements and supporting forms showing justifications and data for the budget requests had not been furnished to the Division of Budget and Accounting when the budget message was prepared and they were not submitted until May 9, 1973, so that an analysis of the budget request could be made only recently. Upon review of those justifications I find that there is insufficient justification for the rapid staff expansion which would be permitted by the appropriations for the Office of Fiscal Affairs. While I recognize the importance of this office and its increased responsibilities, I have reduced the appropriations for the several divisions by a total of \$71,791. This has the effect of providing for 17 new budgeted positions, rather than the 22 requested. These 17 new positions cost \$195,167 and represent a 15.2% increase in the salary account of the office over the present amount of \$1,283,951. I am confident that with its existing staff of 99 and the additional 17 positions, the Office of Fiscal Affairs will be able to fulfill its responsibilities fully.

The Appropriations Committee added \$100,000 to the Department of Agriculture budget for soil conservation grants. However, the appropriations bill already contains a \$100,000 appropriation for this purpose under a new program established by Chapter 49 of the Laws of 1972, administered by the Department of Environmental Protection. I have eliminated the duplication of grant moneys from the Department of Agriculture budget.

The budget for the Department of Environmental Protection contains an appropriation under Parks Management for \$25,000 to Maurice River Township as a payment in lieu of taxes. There is no authority for this payment and I have eliminated it. Any legally authorized in lieu payments are provided in Senate Bill No. 2250 for State-owned lands. Similarly, on page 73, the Appropriations Committee added \$50,000 for payments in lieu of taxes to the Borough of Glassboro for the land occupied by Glassboro State College. The budget for the College already contains \$2,500 for the in lieu of tax payments required by law, and I have eliminated the additional \$50,000 because there is no authorization for it.

Under the appropriations for Rutgers University, I have eliminated \$200,000 which the Appropriations Committee added for payments in lieu of taxes of \$100,000 each to New Brunswick and Camden. The budget already contains \$165,000 in authorized in lieu payments to New Brunswick. No such payments are authorized for Camden. Each of these cities is receiving additional State funds under the Municipal Aid Program and the Safe and Clean Streets Program, and I have determined that amounts beyond those included in my budget message should not be added for individual cities.

On page 82, the Appropriations Committee added \$65,000 to improve the asparagus marketing system. If the improvement of this marketing system is of high priority, the asparagus producers should assume the cost themselves. The State of New Jersey has greater priorities than this which must be met first. I have eliminated this item.

The State aid grants under the Department of Environmental Protection were increased substantially over what the Department had requested. The additional amount of \$270,282 added by the Appropriations Committee on page 136 for the town of Keansburg is unjustified. This amount was to have been repaid to the State for its advance to the Federal government on behalf of Keansburg for the financing of a beach erosion and hurricane control project. Other municipalities have repaid the State for such advances and it would be unfair to them if the State were to relieve Keansburg alone of this responsibility. I have therefore deleted this item.

Under capital construction, the Appropriations Committee added \$270,000 for three separate projects related to the Agricultural

Experiment Station under the auspices of Rutgers University. These items were not requested by either the University or the Department of Higher Education. The appropriations would further research efforts benefiting the agricultural industry, and it would be appropriate in this time of pressing demands upon State moneys for the industry rather than the State to finance these projects. The items deleted amount to \$1,052,073 and reduce the total amount to be appropriated for the 1974 fiscal year to \$2,385,698,924.

Respectfully,

[SEAL]
Attest:

WILLIAM T. CAHILL,
Governor.

JEAN E. MULFORD,
Acting Secretary to the Governor.

CHAPTER 189

A SUPPLEMENT to an act entitled “An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1973, and regulating the disbursement thereof,” approved June 22, 1972 (P.L. 1972, c. 73).

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

1. The following sums are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

GENERAL STATE OPERATIONS

330. DEPARTMENT OF AGRICULTURE*

540. DEPARTMENT OF HIGHER EDUCATION

*Rutgers, The State University*570-100. *General University*

Notwithstanding the provisions of any other law, there is hereby appropriated so much of the funds received by Rutgers, The State University from reimbursements from Federal grant and project receipts for agency and central support services, indirect and administrative costs, as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, General State Operations	\$50,000
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STATE AID

DEPARTMENT OF INSTITUTIONS AND AGENCIES

*Division of Medical Assistance and Health Services*714-150. *Medical Assistance—State Aid*

Supplemental requirement for fiscal year 1972-73 ..	\$8,113,574
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*Division of Mental Health and Hospitals*770-150. *County Mental Hospitals—State Aid*

Supplemental requirement for fiscal year 1972-73 ..	\$800,000
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Total Appropriation, Department of Institutions and Agencies	\$8,913,574
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Total Appropriation, State Aid	\$8,913,574
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CLAIMS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

41300. *Resource Management*

Township of Sandyston, Sussex County, New Jersey, c/o Hixon Spangenburg, Esquire, Township Clerk, Layton, New Jersey 07851, for payment in lieu of taxes for certain fish and game properties that lie within the Township, payable from the appropriation to the Public Shooting and Fishing Grounds Fund, \$3,000.

DEPARTMENT OF TRANSPORTATION

63100. *State Highway Facilities*

Sabino Andriani, 704 22nd Street, Union City, New Jersey, \$2,120, c/o John A. Esposito, Esquire, 4331 Bergenline Avenue, Union City, New Jersey 07087; Joseph G. Monsee, 23 Sherman Place, Jersey City, New Jersey, \$350, c/o John E. Wolf, Esquire, 26 Journal Square, Jersey City, New Jersey 07306, for injuries requiring medical and hospital services resulting from an accident on a State-owned bridge on December 7, 1971, payable from funds appropriated to the Department, \$2,470.

Estate of A. Harold Ray, 9 Farragut Road, Piscataway, New Jersey 08854, c/o Kasen, Schnitzer & Kraemer, Counsellors At Law, 1100 Raymond Boulevard, Newark, New Jersey 07102, for consequences of injuries sustained in an automobile accident on January 5, 1970 allegedly contributed to or caused by the negligence of employees of the Department of Transportation; the Attorney General is authorized to negotiate a settlement not to exceed \$50,000

\$50,000

DEPARTMENT OF INSTITUTIONS AND AGENCIES

12100-731-100. *State Prison, Trenton*

Henry Owens, c/o State Prison, Drawer N, Trenton, New Jersey 08611, for injuries received on January 25, 1972 while working at the State Use Warehouse, payable after release from the institution, from funds appropriated to the Department, \$460.

12100-732-100. *State Prison, Rahway*

Joseph Cherry, c/o State Prison, Lock Bag "R," Rahway, New Jersey 07065, for injuries received on or about July 10, 1972 while working on a power grass mower, payable after release from the institution, from funds appropriated to the Department, \$300.

Milton Berlin and Adele Berlin, 44 Isabelle Street, Metuchen, New Jersey, c/o Braff, Litvak, Ertag, Wortmann & Harris, Esquires, 85 South Harrison Street, East Orange, New Jersey 07018, for injuries received on July 26, 1968 and the consequences resulting from an attack by two escaped inmates, from funds appropriated to the Department, \$3,000.

12100-735-100. *Youth Reception and Correction Center, Yardville*

James J. Finch, P. O. Box 1, Yardville, New Jersey; c/o Murray N. Sufrin, Esquire, Suite 621, One Cherry Hill, Cherry Hill, New Jersey 08034, for injuries received on September 1, 1972 while performing an assigned work task, payable after release from the institution, from funds appropriated to the Department, \$1,725.

779-100. *Trenton Psychiatric Hospital*

Max Eisner, 94 Magnolia Street, Bridgeton, New Jersey, Administrator Ad Prosequendum of the Estate of Richard H. Eisner, c/o Friedman & Waldman, Esquires, 77 Market Street, Salem, New Jersey 08079, for expenses incurred as a

result of the son's death on July 12, 1971 from injuries inflicted by a patient, from funds appropriated to the Department, \$1,450.

George A. Richard, Essex County Hospital, Ward 32, Cedar Grove, New Jersey, for damages and injuries sustained as a consequence of medical treatment while a patient at the institution, contingent upon certification by one or more independent physicians selected by the Attorney General, as frequently as the Attorney General may deem necessary, verifying the extent of permanent total disability asserted by the claimant, is hereby awarded, for the duration of his life, a sum not to exceed \$10,000 annually to be derived from so much as the State Treasurer may determine necessary to be invested to produce such a sum, whether by establishment of a trust fund, the specific investment of State funds, or the purchase of an annuity, the amount of which, not to exceed \$200,000, is hereby appropriated. The State Treasurer shall make monthly payments to the claimant of one-twelfth of said annual sum of \$10,000, effective July 31, 1973, and monthly thereafter; provided, however, that no part of the income shall be chargeable or subject to levy or attachment for any debts or obligations of any kind incurred by said George A. Richard prior to the effective date of this act; and provided, further, if permanent disability is established at less than what has been testified to by said George A. Richard before the Sub-Committee on Claims of the Joint Appropriations Committee of the New Jersey Legislature on March 27, 1973, the amount of annual payments shall be reduced to the extent that permanent disability is less than that asserted; and provided, further, that counsel fees of \$5,000 are hereby appropriated to Bloom, Drobner and Javerbaum, Counsellors At Law, 8 Mountain Avenue, Springfield, New Jersey 07081, in full payment for all legal services rendered the claimant in connection with this claim . .

\$205,000

783-100. *Ancora Psychiatric Hospital*

Anthony DeRenzis, 1029 Forest Drive, Ancora, New Jersey 08037, for damages to his car on May 11, 1972 caused by a patient, from funds appropriated to the Department, \$414.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-100. *Palisades Interstate Park Commission*

For loss of tax revenues for local purposes from lands owned by Palisades Interstate Park Commission:

Borough of Alpine	\$16,300	
Borough of Englewood Cliffs	25,200	
Borough of Fort Lee	19,500	
		\$61,000
Total Appropriation, Claims		\$316,000
Total Supplemental Appropriation		\$9,279,574

The appropriations hereinabove made for claims shall fully settle and extinguish all claims, demands and liens of every character. The acceptance of said sums shall constitute a full and complete release and acquittance to the State of New Jersey, its agencies, instrumentalities and employees.

2. This act shall take effect immediately.

Approved except as to items set forth in the statement appended hereto dated June 26, 1973.

*STATEMENT ON SENATE BILL No. 2251 (OCR)

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 2251 (OCR), at the time of signing it, this statement of the items or parts thereof to which I

object, so that each item or part thereof so objected to shall not take effect.

On Page 1:

“330. DEPARTMENT OF AGRICULTURE

41100. *Disease Control and Agricultural Development Services*

Extraordinary:

Indemnities, hog cholera eradication, pursuant to P. L. 1973, c. 66	\$50,000
Total Appropriation, Department of Agri- culture	\$50,000”

This item is deleted in its entirety.

Senate Bill No. 2251 (OCR) is the supplemental appropriations bill for the fiscal year ending June 30, 1973. The bill provides for a \$50,000 supplemental appropriation to the Department of Agriculture for indemnification payments to some farmers for the value of hogs which were destroyed during the recent threat of a hog cholera epidemic in this State. Prior to the enactment of Chapter 47 of the Laws of 1973 on March 2, farmers were indemnified under these circumstances at certain statutory maximum amounts. The effect of Chapter 47 was to remove the statutory maximum ceilings on indemnification and to permit indemnification based on the appraised value of the slaughtered animals, less any salvage value. The \$50,000 included in Senate Bill No. 2251 (OCR) would be for farmers whose animals were destroyed before the effective date of Chapter 47. However, the increased indemnification amounts provided for in Chapter 47 were not made effective retroactively, and there is no statutory authorization for increased payments to farmers whose animals were destroyed before March 2, 1973. The Legislature would have to enact legislation making such increased payments retroactive before they would be valid. I have therefore deleted this item from Senate Bill No. 2251 (OCR).

Respectfully,

[SEAL]
Attest:

WILLIAM T. CAHILL,
Governor.

JEAN E. MULFORD,
Acting Secretary to the Governor.

CHAPTER 190

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, 1973, and regulating the disbursement thereof,” approved June 22, 1972 (P. L. 1972, c. 73).

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

1. There is hereby appropriated from the General Treasury to the Department of Environmental Protection for the purpose of preparing preliminary engineering and a cost feasibility study including necessary fisheries biological and ecological studies to determine the public benefits of dredging Lake Musconetcong for its greater utilization as a public recreational resource for swimming, boating and fishing the sum of \$75,000.00.

Upon the completion of the study all unexpended balances are hereby appropriated to the department to be applied toward the costs of the dredging of Lake Musconetcong as may be authorized by law.

2. This act shall take effect immediately.

Approved June 28, 1973.

CHAPTER 191

AN ACT concerning expunging and sealing records of arrest under certain circumstances.

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

C. 2A:85-15 Petition for relief.

1. Any person who has been arrested for a violation of the disorderly persons law, a misdemeanor or a high misdemeanor under the laws of New Jersey and against whom proceedings were dismissed, or who was discharged without a conviction, or who was acquitted, may at any time following the dismissal of proceedings, or the discharge without a conviction, or the acquittal, present a duly verified petition to the court in which the judgment

of acquittal, discharge or dismissal was entered, or, if there were no court proceedings, to the court in whose jurisdiction the arrest occurred, setting forth all the facts in the matter and praying for the relief provided by this act.

C. 2A:85-16 Hearing.

2. Upon the filing of a petition pursuant to this act the court may by order fix a time, not less than 15 nor more than 45 days thereafter, for the hearing of the matter. A copy of this order shall be served pursuant to the Rules of Court upon the Attorney General, upon the prosecutor of the county wherein the court is located, upon the chief of police or other executive head of the police department of the municipality in which the arrest occurred, and upon the chief law enforcement officer of any other law enforcement agency of this State which participated in the arrest, within 5 days from the date of the order.

C. 2A:85-17 Order to expunge records.

3. a. At the time appointed for the hearing, if there is no objection from those law enforcement agencies notified of the hearing, and no reason appears to the contrary, the court may grant an order directing the clerk of the court and the parties upon whom notice was served to expunge from their records all evidence of said arrest including evidence of detention related thereto, and specifying those records to be expunged.

b. If an order expunging the records is granted by the court, all the records specified in the order shall be removed from the files and placed in the control of a person who shall be designated to retain control over all expunged records and who shall ensure that the records or the information contained therein is not released for any reason. In response to requests for information or records on the person who was arrested, the law enforcement officers and departments shall reply, with respect to the arrest and proceedings which are the subject of the order, that there is no record.

C. 2A:85-18 Order to seal records; inspection of sealed records.

4. a. If an objection is made by any law enforcement agency upon which notice was served, the court shall determine whether there are grounds for denial. If the court determines there are no grounds for denial it may grant an order directing the clerk of the court and the parties upon whom notice was served to seal their records of said arrest, including evidence of detention related thereto, and specifying those records to be sealed.

b. If an order sealing the records of arrest is granted by the court, any law enforcement officers and departments who receive requests for information or records on the person against whom the arrest was entered shall reply, with respect to the arrest and proceedings which are the subject of the order, that there is no record. Such sealed records and information may be maintained by any law enforcement agency originally possessing such records and information, but such information shall be utilized only within the department and sufficient precautions shall be taken to insure that the sealed records and information are not revealed to anyone outside the law enforcement agency which continues to maintain the records or information.

Inspection of the files and records, or release of the information in the files and records, which are the subject of the sealing order, to anyone other than a person within the law enforcement agency in which the arrest records were sealed, may be permitted only by the court upon motion for good cause shown, and any such motion and any order granted pursuant to such motion shall specify the person or persons to whom the records and information are to be shown.

C. 2A:85-19 Determination of grounds for denial.

5. If the court determines there are grounds for denial, the court shall not grant an order to expunge or seal the records of the arrest or evidence of detention related thereto.

C. 2A:85-20 Conditions for "grounds for denial."

6. For the purpose of this act "grounds for denial" shall exist:

a. When the usefulness of the information of the arrest and the proceedings to law enforcement authorities and to anyone who might obtain such information outweighs the desirability of having a person, who has been acquitted or against whom charges have been dismissed or discharged, freed from any disabilities attached to the arrest which preceded that acquittal, dismissal or discharge.

b. When dismissal resulted from a plea bargaining agreement or when acquittal, discharge or dismissal occurred after exclusion of highly probative evidence upon invocation of an exclusionary rule not directed to the truth of the evidence excluded.

C. 2A:85-21 Proceedings deemed not to have occurred.

7. If an order expunging or sealing a record of arrest is granted, the arrest and any proceedings related thereto shall be deemed not to have occurred and the petitioner may answer accordingly any question relating to their occurrence.

C. 2A:85-22 Application of act.

8. This act shall apply to arrests which occurred prior to and which occur after enactment of this act. No court order pursuant to this act shall prohibit the filing of reports required under the "Controlled Dangerous Substances Registry Act of 1970," c. 227 (C. 26:2G-17 et seq.).

C. 2A:85-23 Fees payable by petitioner.

9. For services performed under this act the same fees shall be taxed as are usual for like services in other matters, which fees shall be payable by the petitioner.

10. This act shall take effect immediately.

Approved June 28, 1973.

CHAPTER 192

AN ACT concerning the undertaking and financing of water and sewerage system projects by or for municipal authorities and participation therein and assistance thereof by counties, municipalities and other public bodies, and amending the "Municipal Utilities Authorities Law," approved August 22, 1957 (P. L. 1957, c. 183).

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

1. Section 49 of P. L. 1957, c. 183 (C. 40:14B-49) is amended to read as follows:

C. 40:14B-49 Contracts for treatment, collection and disposal of sewage; contracts for sale or supply of water.

49. Any municipal authority for the carrying out and effectuation of its purposes, and (a) any of the local units (b) any other municipality whether within or without the district and (c) any other municipal authority, any sewerage authority or any other public body of the State empowered to treat or dispose of sewage (all such local units, municipalities, other municipal authorities, sewerage authorities and other bodies being hereinafter referred to individually as a "governmental unit") for fostering the relief of waters in, bordering or entering the territorial area of the governmental unit from pollution or threatened pollution or assisting the

municipal authority in carrying out and effectuating its purposes, may enter into a contract or contracts providing for or relating to the collection, treatment and disposal of sewage originating in the district or received by the municipal authority, or originating in the territorial area of or collected by the governmental unit, by means of the sewerage system or any sewerage facilities of the governmental unit or both, and the cost and expense of such collection, treatment and disposal. Any municipal authority for the carrying out and effectuation of its purposes, and (a) any of the local units (b) any other municipality whether within or without the district and (c) any other municipal authority, any sewerage authority or any other public body of the State empowered to sell and supply water (all such local units, municipalities, other municipal authorities, sewerage authorities and other bodies being hereinafter referred to individually as a "governmental unit") for fostering the provision and distribution of an adequate supply of water within the territorial area of the governmental unit or assisting the municipal authority in carrying out and effectuating its purposes may enter into a contract or contracts providing for or relating to the sale or supplying of water to such municipal authority or to the governmental unit or to persons or properties within the district or the governmental unit, and the cost and expense of such sale or supplying of water. Any such contract may provide for the payment to the municipal authority by the governmental unit annually or otherwise of such sum or sums of money, computed at fixed amounts or by a formula based on any factors or other matters described in section 21 or section 22 of this act or in any other manner, as said contract or contracts may provide, and may provide that the sum or sums so payable to the municipal authority shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the municipal authority with regard to persons or real property within the territorial area of the governmental unit. Such contract or contracts may also contain provisions as to the financing and payment of expenses to be incurred by the municipal authority and determined by it to be necessary for its purposes prior to the placing in operation of a sewerage or water supply and distribution system and may provide for the payment by the governmental unit to the municipal authority for application to such expenses or indebtedness therefor such sum or sums of money, computed as said contract or contracts may provide and as the governing body (hereinafter described) of the governmental unit shall, by virtue of its authorization of and entry into said contract or con-

tracts, determine to be necessary for the purposes of the sewerage authority. Every such contract shall be authorized and entered into under and pursuant to a resolution adopted by the authority in the case of a municipal or other authority, an ordinance of the governing body in the case of a municipality, a resolution of the governing body in the case of a county, and, in the case of any other public body, a resolution of the commission, council, board or body by whatever name it may be known (in this section sometimes referred to as "governing body") having charge of the finances of such public body, but the terms or text of said contract need not be set forth in full or stated in any such resolution or ordinance if the form of said contract is on file in the office of the clerk or other recording officer of the governmental unit or its governing body and the place and fact of such filing is described in the resolution or ordinance. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the governmental unit and which may be agreed to by the municipal authority in conformity with its contracts with the holders of any bonds, and shall be valid whether or not an appropriation with respect thereto is made by the governmental unit prior to authorization or execution thereof. Every such governmental unit is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such governmental unit. Subject to any such contracts with the holders of bonds, the municipal authority is hereby authorized to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and, in accordance with any such contract, to waive, modify, suspend or reduce the service charges which would otherwise be charged and collected by the municipal authority with regard to persons or real property within the territorial area of the governmental unit, but nothing in this section or any such contract shall prevent the municipal authority from charging and collecting, as if such contract had not been made, service charges with regard to such persons and real property sufficient to meet any default or deficiency in any payments agreed in such contract to be made by such governmental unit.

2. This act shall take effect immediately.

Approved June 28, 1973.

CHAPTER 193

AN ACT to authorize the township of Dover in the county of Ocean to make permanent the appointment of Dorothy Stephens to the police department of the township of Dover.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Dover, in the county of Ocean, is authorized to make permanent the appointment of Dorothy Stephens to the police department of the township of Dover notwithstanding her age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policewoman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Dover for the purpose of adopting same.

Approved June 28, 1973.

CHAPTER 194

AN ACT to amend "An act requiring seat safety belts on certain passenger automobiles and supplementing chapter 3 of Title 39 of the Revised Statutes," approved June 15, 1965 (P. L. 1965, c. 107).

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

1. Section 1 of P. L. 1965, c. 107 (C. 39:3-76.2) is amended to read as follows:

C. 39:3-76.2 Safety belts or restraining devices.

1. No person shall sell or operate any passenger automobile manufactured after July 1, 1966, and registered in this State unless such passenger automobile is equipped with at least two sets of seat safety belts for the front seat of the passenger automobile and the anchorage units necessary for their attachment or other suitable restraining device. Such seat safety belts and anchorage units or such restraining device shall be of a type approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety, and in making any such approval the director shall be guided by the specifications of the Society of Automotive Engineers and the standards of the Federal Department of Transportation.

2. This act shall take effect immediately.

Approved June 28, 1973.

CHAPTER 195

AN ACT concerning security deposits made in connection with contracts, leases or licenses for the use or rental of certain residential real property and amending P. L. 1967, c. 265.

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

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

C. 46:8-19 Deposits to secure performance of leases; interest payable.

1. Whenever money or other form of security shall be deposited or advanced on a contract, lease or license agreement for the use or rental of real property as security for performance of the contract, lease or agreement or to be applied to payments upon such contract, lease or agreement when due, such money or other form of security, until repaid or so applied including the tenant's portion of the interest earned thereon as hereinafter provided, shall continue to be the property of the person making such deposit or advance and shall be held in trust by the person with whom such

deposit or advance shall be made for the use in accordance with the terms of the contract, lease or agreement and shall not be mingled with the personal property or become an asset of the person receiving the same. The person receiving money so deposited or advanced shall deposit such money in a banking institution or savings and loan association in this State insured by an agency of the Federal Government in an account bearing interest at the rate currently paid by such institutions and associations on time or savings deposits and shall thereupon notify in writing each of the persons making such security deposit or advance, giving the name and address of the banking institution in which the deposit of security money is made, and the amount of such deposit.

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

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

In the event the person receiving a security deposit fails to notify the tenant of the name and address of the banking institution or savings and loan association in which the deposit of such security is made, and the amount thereof, within 30 days after receipt of same from the tenant, the tenant may give written notice to the person receiving the same that such security money be applied on account of rent payment or payments due or to become due from the tenant, and thereafter the tenant shall be without obligation to make any further security deposit during the term of his lease and the person receiving the money so deposited shall not be entitled to make further demand for a security deposit.

2. This act shall take effect immediately.

Approved July 3, 1973.

CHAPTER 196

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 26 of P. L. 1963, c. 144 (C. 17:12B-26) is amended to read as follows:

C. 17:12B-26 Establishment and operation of section 25 branch offices; application to commissioner.

26. 1. Subject to the other limitations of this act, an association may establish and operate one or more section 25 branch offices as follows:

(a) In the same municipality in which it operates its principal office, or

(b) In any municipality where there is no principal office or branch office of any other association in operation at the time it is proposed to establish such branch office, or

(c) In any municipality where, at date of application, there is located a principal office or offices of an association or associations, and where the population of the municipality is, prior to January 1, 1974, 50,000 or more; commencing January 1, 1974, 40,000 or more; commencing January 1, 1975, 30,000 or more; commencing January 1, 1976, 20,000; and, commencing January 1, 1977 and thereafter, 10,000 or more. The commissioner upon application for good cause shown, may set aside the population schedule set forth above. The presence of one or more branch offices of one or more associations in any municipality having a population of 7,500 or more shall not prevent the establishment of a section 25 branch office under this subdivision prior to January 1, 1977. Commencing January 1, 1977, and thereafter, the presence of one or more branch offices of one or more associations in any municipality shall not prevent the establishment of a section 25 branch office under this subdivision, or

(d) In a municipality in which the association is operating a section 25 or 27 branch office where there is no principal office or branch office of another association.

(e) (Deleted by amendment.)

(f) Nothing in this subsection shall affect the operation of any branch office legally established under prior law.

2. No association shall establish a section 25 branch office unless the association shall first file written application with the commissioner for his approval. An application shall be deemed to have been filed at such time as a written application, including such supporting data as may be required by the commissioner, shall have been made in writing by the applying association and delivered by certified mail, return receipt requested, or in person to the commissioner. Before approving such application, the commissioner shall determine that:

(a) The association and the proposed branch meet all of the requirements of sections 25 and 26 of this act, and

(b) The establishment and operation of such branch office is in the public interest and will be of benefit to the area served by such branch office, and that

(c) Such branch office may be established without undue injury to any other association in the area in which it is proposed to locate such branch office, and that

(d) Conditions in the area to be served, afford reasonable promise of successful operation.

Within 10 days after the submission of any such application to the commissioner, the applying State association shall give notice of such application by publication of a notice of such application in a newspaper published within the municipality in which it is proposed to locate the branch office if there be one or, if there be no such newspaper, in a newspaper published in the county and having a substantial circulation in the municipality. The notice shall be in a form approved by the commissioner, and shall include the name of the applying association and the location, as precisely as possible, in the municipality where such branch office is to be located. The commissioner shall conduct such investigation or hearing or both, as he may deem to be advisable. For good cause, the commissioner may dispense with the notice requirements of this section.

No less than 30 days after filing with the commissioner the proof of publication of the aforementioned notice and within 90 days thereafter, the commissioner shall announce his decision upon such application and file in his office, a written memorandum stating the reasons therefor, which shall be open to public inspection; and he shall forthwith thereafter give written notice thereof to the applicant.

2. Section 27 of P. L. 1963, c. 144 (C. 17:12B-27) is amended to read as follows:

C. 17:12B-27 Section 27 branch office; application for authority to operate; terms and conditions; decision of commissioner.

27. Any State association, into which another association has been merged or which has acquired by purchase, reorganization or in any other manner, all or a substantial portion of the assets of another association, may make application to the commissioner for authority to operate the office previously operated by such other association, or a substitute therefor, as a section 27 branch office. The commissioner may grant authority for the operation of such section 27 branch office under such terms and conditions as he shall prescribe, and such authority may be inclusive of authorized branch offices operated by the selling or merging association; provided, however, that no branch office or offices shall be established under this section unless the commissioner shall first determine that the operation of such branch office or offices is in the public interest and will be of benefit to the area served by such branch office or offices. The commissioner shall not approve a substitute office under this section unless and until the applying association has complied with any applicable notice requirements as provided for in section 26 of this act.

Within 30 days after the filing of the merger or asset sale agreement with the commissioner or the holding of a hearing, whichever last occurs, the commissioner shall announce his decision upon such application and file in his office, a written memorandum stating the reasons therefor, which shall be open to public inspection; and he shall forthwith thereafter give written notice thereof to the applicant.

3. Section 198 of P. L. 1963, c. 144 (C. 17:12B-198) is amended to read as follows:

C. 17:12B-198 Authority.

198. Any two or more State associations may merge into a single State association, under the terms and procedure hereinafter set forth. Any State association may merge into a Federal association upon the approval of the commissioner and subject to such terms and conditions as he may specify.

4. Section 225 of P. L. 1963, c. 144 (C. 17:12B-225) is amended to read as follows:

C. 17:12B-225 Approval by commissioner; filing of certificate; corporate existence continued.

225. Upon the filing with the commissioner of the certificate as provided in paragraph (d) of section 224 of this act and before approving the conversion of any Federal association into an association of this State the commissioner shall determine, as a result of an examination or otherwise, that the assets of such association have a sound value at least equal to the capital of the association, plus all creditor obligations; that such association will function normally after conversion and that it will earn and be able to pay regularly a reasonable dividend; and upon such determination, and upon compliance by the association with such requirements or conditions as the commissioner, may prescribe, and not later than 3 months from the date of the members' meeting held as provided in paragraphs (b) and (c) of section 224 of this act, the commissioner shall endorse his consent to the conversion of such Federal association into an association upon the certificates filed in accordance with paragraph (d) of section 224 of this act, one of which certificates shall remain on file in the office of the commissioner and the other shall be recorded by the clerk of the county where the association is located. Within 10 days thereafter, a copy of said certificate certified by the commissioner, shall be mailed to the Federal Home Loan Bank Board. Upon the filing of such certificate in the office of the commissioner the association shall cease to be a Federal association and shall no longer be subject to the supervision and control of the Federal Home Loan Bank Board.

Upon the conversion of any Federal association into an association of this State, the corporate existence of such association shall not terminate, but such association of this State shall be deemed to be a continuation of the entity of the association so converted, and all property of the converted association, including its right, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing belonging or pertaining to it or which would inure to it, shall immediately by operation of law and without any conveyance or transfer and without any further act or deed, remain and be vested in and continue and be the property of such association of this State into which the Federal association has converted itself, and such association of this State shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and

such association of this State as of the time of the taking effect of such conversion, shall continue to have and succeed to all the rights, obligations and relations of the converting association. Pending actions and other judicial proceedings to which the converting Federal association is a party shall not be deemed to have abated or to have been discontinued by reason of such conversion, but may be prosecuted to final judgment, in the same manner as if such conversion into such association of this State had not been made and such association of this State resulting from such conversion may continue such action in its corporate name as an association of this State and any judgment or order may be made for or against it, which might have been made for or against the converting Federal association theretofore involved in such judicial proceedings.

Where the certificate provided for under section 224 of this act shall state that the purpose of the conversion is to facilitate the merger of a Federal association with a State association, the commissioner need not make the findings and determinations as set forth in this section.

5. This act shall take effect immediately.

Approved July 3, 1973.

CHAPTER 197

AN ACT to authorize the borough of Ridgefield, Bergen county, to make permanent the appointment to its police department of Joseph Vassallo.

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

Private act.

1. The borough of Ridgefield, Bergen county, is authorized to make permanent the appointment to its police department of Joseph Vassallo, presently serving under a temporary appointment and prior thereto served as a member of the police department of another municipality for more than 19 years, notwithstanding that he is over the maximum age for appointment required by law.

2. This act shall take effect upon the adoption and publication of an ordinance of the borough of Ridgefield for the purpose of adopting the same.

Approved July 31, 1973.

CHAPTER 198

AN ACT concerning appointment of special agents and amending section 503 of the "Cigarette Tax Act," approved April 29, 1948 (P. L. 1948, c. 65).

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

1. Section 503 of P. L. 1948, c. 65 (C. 54:40A-22) is amended to read as follows:

C. 54:40A-22 Appointment and powers of assistants.

503. The director may, subject to the provisions of Title 11 of the Revised Statutes, as amended and supplemented, appoint a State supervisor to assist him in the administration of this act and such other assistants as he may deem necessary, and may establish, equip, and maintain one or more offices at such places in this State as he shall determine.

The director may appoint certain of such assistants as special agents to aid him in the enforcement of this act. Special agents shall carry credentials issued by the director identifying them in that capacity, are declared to be peace officers and are empowered to arrest without warrant any person who violates the provisions of this act in their presence. Special agents are empowered to seize and take possession of any counterfeit stamps, counterfeit impression devices or cigarettes which are unlawfully possessed and any vehicle, vessel, vending machine or other receptacle in which they are found which is subject to confiscation under this act.

2. This act shall take effect immediately.

Approved July 31, 1973.

CHAPTER 199

AN ACT to authorize the township of Matawan, in the county of Monmouth, to make permanent the appointment of Hugh Richardson to the police department of the township of Matawan.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Matawan, in the county of Monmouth, is authorized to make permanent the appointment of Hugh Richardson to the police department of the township of Matawan, if otherwise qualified, notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Matawan for the purpose of adopting same.

Approved July 31, 1973.

CHAPTER 200

AN ACT concerning education and making an appropriation therefor.

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

1. The Department of Education shall make a survey of present elementary and secondary school facilities and in cooperation with local boards of education project the future need for such facilities in this State.

2. There is hereby appropriated for the purposes of this act the sum of \$50,000.00 or so much thereof as shall be necessary.

3. This act shall take effect immediately.

Approved July 31, 1973.

CHAPTER 201

AN ACT to authorize the borough of Bellmawr in the county of Camden to make permanent the appointment of Richard J. Baals to the police department of the borough of Bellmawr.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Bellmawr, in the county of Camden is authorized to make permanent the appointment of Richard J. Baals to the police department of the borough of Bellmawr notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Bellmawr for the purpose of adopting same.

Approved July 31, 1973.

CHAPTER 202

AN ACT concerning court reporters, amending N. J. S. 2A:11-13 and N. J. S. 2A:11-16, and making an appropriation therefor.

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

1. N. J. S. 2A:11-13 is amended to read as follows:

Assignment of reporters.

2A:11-13. (a) A reporter appointed as provided in this article shall be assigned by the administrative director of the courts (referred to in this article as the director), with the approval of the Chief Justice, to report proceedings in one or more of the divisions of the Superior Court, or parts thereof, or in one or more of the County Courts, or to report such other proceedings as the Supreme Court may direct. Such an assignment may be changed from time to time as occasion may require.

(b) With the approval of the Chief Justice, the director may designate, from among the reporters, such supervisors and assistant supervisors for specified districts as may be necessary to assist him in maintaining efficient reporting service for the courts therein, and particularly in arranging, subject to the control of the director, for the temporary transfer of one or more reporters to meet special requirements in any court or part thereof, and in employing and assigning reporters for temporary service either on a full-time or part-time basis. A reporter so designated as a supervisor or assistant supervisor shall perform such services in addition to his regular duties, and for these additional services, he shall be compensated in an amount fixed by the Supreme Court, which amount shall be added to and become a part of his annual salary and paid as such.

2. N. J. S. 2A:11-16 is amended to read as follows:

Salary; part-time; per diem fee rate; expenses; sharing of costs by counties; retention of fees; full-time reporters deemed State employees.

2A:11-16. (a) Except as provided in this section, reporters appointed to serve on a full-time basis pursuant to this article shall receive an annual salary to be fixed from time to time by the Supreme Court.

(b) The salaries provided for in this section shall be paid by the State except that where a reporter is employed wholly within one county and is a member of that county's retirement system, the director shall file a certificate with the treasurer of such county designating the reporter and the amount of his annual salary and the county treasurer shall pay such salary.

(c) In lieu of an annual salary a reporter employed on a part-time or temporary basis as provided in this article may be paid such a per diem fee rate as may be fixed from time to time by the

Supreme Court. Such per diem fees shall be paid by the State upon certification of the director.

(d) In addition to his salary or per diem fees, a reporter may, upon the certification of the director, be reimbursed for necessary travel and other expenses when assigned to serve in a county other than the one where he resides.

(e) Each county shall pay annually to the State Treasurer, in equal quarterly installments, as its share of reporter expenses for the State fiscal year an amount equal to the net cost to such county for such expenses for each preceding fiscal year. Such net cost shall include only the amount paid for salaries, travel and other necessary expenses, transcripts furnished to a judge pursuant to N. J. S. 2A:11-15, and employer's contribution to the Public Employees' Retirement System and social security, less the amount reimbursed by the State and less the salary of any reporters paid directly by the county pursuant to paragraph (b) of N. J. S. 2A:11-16, which net cost shall be certified by the director.

(f) Every reporter shall be entitled to retain for himself the fees collected for transcripts as herein provided. All transcript supplies and equipment shall be furnished by the reporter at his own expense.

(g) Reporters appointed to serve on a full-time basis shall be deemed to be State employees eligible for membership in the Public Employees' Retirement System; except, however, that reporters who prior to July 1, 1966, were members of any county employees' retirement system pursuant to P. L. 1943, c. 160 (C. 43:10-18.1, 43:10-18.25) shall continue therein as county employees for the purposes of that enactment.

3. The sum of \$206,500.00 is hereby appropriated to the Judiciary for the fiscal year ending June 30, 1973 to effectuate the purposes of this act.

4. This act shall take effect July 1, 1972.

Approved July 31, 1973.

CHAPTER 203

AN ACT concerning county detectives, amending N. J. S. 2A:157-4 and repealing P. L. 1971, c. 438.

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

1. N. J. S. 2A:157-4 is amended to read as follows:

County detectives in second-class counties.

2A:157-4. a. In counties of the second class having a population in excess of 460,000 there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, six lieutenants of county detectives and four sergeants of county detectives.

b. In counties of the second class having a population between 400,000 and 460,000, there may be appointed not in excess of 24 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, and four lieutenants of county detectives, and two may be designated sergeants of county detectives.

c. In the counties of the second class having a population of 400,000 or under, there may be appointed not in excess of 12 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, and one lieutenant of county detectives.

d. Their annual salaries shall be fixed as follows: chief of county detectives, not less than \$9,500.00; captain of county detectives, not less than \$8,000.00; lieutenant of county detectives, not less than \$7,000.00; sergeant of county detectives, not less than \$6,500.00; and other county detectives, not less than \$6,000.00.

C. 2A:157-4.1 Repealed.

2. P. L. 1971, c. 438 (C. 2A:157-4.1) is repealed.

3. This act shall take effect immediately.

Approved July 31, 1973.

CHAPTER 204

AN ACT concerning employment of minors in certain instances and amending P. L. 1940, c. 153.

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

1. Section 17 of P. L. 1940, c. 153 (C. 34:2-21.17) is amended to read as follows:

C. 34:2-21.17 Prohibited employment for minors under 16 and under 18; inapplicable to work in schools and to vocational school graduates.

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

the manufacture or packing of paints, colors, white lead, or red lead;

the handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes; work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

the manufacture, transportation or use of explosives or highly inflammable substances;

oiling, wiping, or cleaning machinery in motion or assisting therein;

operation or helping in the operation of power-driven wood-working machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

grinding, abrasive, polishing or buffing machines; provided, that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds $\frac{1}{4}$ inch;

cutting machines having a guillotine action;

corrugating, crimping or embossing machines;

paper lace machines;

dough brakes or mixing machines in bakeries or cracker machinery;

calender rolls or mixing rolls in rubber manufacturing;
centrifugal extractors, or mangles in laundries or dry cleaning establishments;
ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;
mines or quarries;
steam boilers carrying a pressure in excess of 15 pounds;
construction work of any kind;
fabrication or assembly of ships;
operation or repair of elevators or other hoisting apparatus;
the transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this section shall not apply to minors 16 years of age or over, employed as pinsetters only in public bowling alleys as provided in section 3 hereof. Minors 14 years of age or over may be employed as golf course caddies and pool attendants.

No girl under the age of 18 years shall be employed, permitted, or suffered to work as a messenger in the distribution or delivery of goods or messages for any person, firm or corporation engaged in the business of transmitting or delivering goods or messages.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor and Industry to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.

Nothing in this section shall be construed to prevent the employment of minors between 16 and 18 years of age or more in a restaurant as defined in section 1 and as provided for in section 3 of this act; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the sale of cigarettes or other tobacco products, nor in the preparation or sale of photographs, nor in any dancing or theatrical exhibition or performance while so employed.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools, or to a child who is at least 17 years of age employed in the type of work in which he majored under the conditions of the special vocational school graduate permit provided in section 15 of this act (C. 34:2-21.15).

2. This act shall take effect immediately.

Approved July 31, 1973.

CHAPTER 205

AN ACT to authorize the township of Willingboro in the county of Burlington to make permanent the appointment of James Thompson to the police department of the township of Willingboro.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Willingboro, in the county of Burlington is authorized to make permanent the appointment of James Thompson to the police department of the township of Willingboro notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Willingboro for the purpose of adopting same.

Approved July 31, 1973.

CHAPTER 206

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that the notice to persons in military service or patients in veterans' hospitals and to their relatives and friends and the notice to persons desiring absentee ballots, required to be published by the Absentee Voting Law (1953) (P. L. 1953, c. 211), incorrectly stated the date of the election; provided however, that no action, suit or other proceeding of any nature to contest the validity of such election has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court.

2. This act shall take effect immediately.

Approved July 31, 1973.

CHAPTER 207

AN ACT to establish a New Jersey Archives Publication Fund and making an appropriation therefor.

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

1. There is hereby appropriated to the Bureau of Archives and History, Division of the State Library, Archives and History, De-

partment of Education, to establish as a continuing revolving fund to be known as the New Jersey Archives Publication Fund, for the publication of the New Jersey Archives, the sum of \$25,000.00.

Proceeds from the sale of publications in the New Jersey Archives series shall be remitted to the State Treasury for credit to the New Jersey Archives Publication Fund.

2. This act shall take effect immediately.

Approved August 2, 1973.

CHAPTER 208

AN ACT permitting political subdivisions of this State to provide services jointly, amending the "Department of Community Affairs Act of 1966" (P. L. 1966, c. 293; C. 52:27D-1 et seq.), amending the "Consolidated Municipal Service Act" (P. L. 1952, c. 72; C. 40:48B-1 et seq.) and P. L. 1960, c. 3 supplementary thereto.

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

C. 40:8A-1 Short title.

1. This act shall be known and may be cited as the "Inter-local Services Act."

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 or a regional authority or district other than an interstate authority or district.

b. "Governing body" means the board, commission, council or other body having the control of the finances of a local unit; and in those local units in which an executive officer is authorized by law to participate in such control through powers of recommendation, approval or veto, the term includes such executive officer to the extent of such participation.

c. "Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county not having an elected county

executive, and the chairman or other presiding officer of any other governing body.

d. "Service" means any of the powers, duties and functions exercised or performed by a local unit by or pursuant to law.

e. "Contract" means a contract authorized under section 3 of this act.

C. 40:8A-3 Authority to enter into contract for joint provision of services.

3. Any local unit of this State may enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction. An autonomous authority, board, commission or district established by and within a single local unit and providing service within such local unit or a part thereof may become a party to such contract with the consent of the governing body of the local unit, by ordinance or resolution thereof adopted in the manner provided in section 4 of this act; and after such consent duly given, such authority, board, commission or district may enter into such contract by resolution without need of publication or hearing.

C. 40A:8A-4 Adoption of ordinance or resolution; publication.

4. A party authorized to enter into a contract under section 3 of this act may do so by the adoption of an ordinance, if such party is a municipality, or a resolution, if it is any other such party. A resolution adopted pursuant to this section or section 3 need not set forth the terms of the contract in full, but shall clearly identify it by reference; and a copy of the contract shall be filed and open to public inspection at the offices of the local unit immediately after the introduction of any such resolution before the governing body. The contract shall take effect upon the adoption of appropriate ordinances or resolutions by all the parties thereto as set forth in the contract document.

An ordinance or resolution adopted pursuant to this section shall before final adoption be introduced in writing before the governing body and passed upon first reading, which may be by title. Within 10 days thereafter it shall be published, together with a notice of the date, time and place fixed for consideration of its final adoption. Such publication shall include notification of the place at which copies of the proposed contract are available for public inspection, and the times at which such inspection is permitted. Publication shall be in at least one newspaper of general circulation in the juris-

dictional or service area of the local unit at least 1 week prior to the date fixed for consideration for final adoption. At the date fixed for consideration of the ordinance or resolution for final adoption, or at subsequent adjournment thereof, the governing body shall hold a public hearing and shall then proceed to consider the final adoption, which may be by majority vote of the governing body, subject to any executive approval or veto, as referred to in section 2 of this act.

C. 40A:8A-5 Joint provision of certain services.

5. The parties to a contract authorized by this act may agree to provide jointly, or through the agency of one or more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself. Such services shall include, but not be limited to, the areas of general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental services, joint municipal courts, youth, senior citizens, welfare and social services programs. Nothing in this act 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.

C. 40A:8A-6 Contract specifications and provisions.

6. a. A contract made pursuant to this act shall specify:

(1) the exact nature and extent of the services to be performed jointly or by one or more of the parties as agent for any other party or parties;

(2) measurable standards of the level, quality and scope of such performance, with specific assignment and allocation of responsibility for meeting such standards between or among the parties;

(3) the estimated cost of such services throughout the duration of the contract, with allocation thereof, to the parties, in dollar amounts or by formula, including a time schedule for periodic payment of installments of such allocations; which specification may include provision for the periodic modification of estimates or formulas contained therein in the light of actual experience and in accordance with procedures to be specified in the contract;

(4) the duration of the contract, which shall be for 7 years, unless otherwise agreed upon by the parties;

(5) the procedure for payments to be made under the contract.

b. Such contract may provide for binding arbitration or for binding factfinding procedures to settle any disputes or questions which may arise between the parties as to interpretation of the terms of the contract or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the contract.

c. For the purposes of this act, any party performing a service under such a contract is the general agent of any party or parties on whose behalf such service is performed pursuant to the contract, and such agent party shall have full powers of performance and maintenance of the service contracted for and full powers to undertake any ancillary operation reasonably necessary or convenient to carry out its duties, obligations and responsibilities under the contract, including all powers of enforcement and administrative regulation which are or may be exercised by the party on whose behalf it acts pursuant to the contract, except as such powers are limited by the terms of the contract itself, and except that no contracting party shall be liable for any part or share of the cost of acquiring, constructing or maintaining any capital facility acquired or constructed by an agent party unless such part or share is provided for in the contract or in an amendment thereto which shall have been ratified by the contracting parties in the manner provided in this act for entering into a contract.

d. Except as the terms of any contract may explicitly or by necessary implication provide, any party to a contract entered into pursuant to this act may enter into another contract or contracts with any other eligible parties for the performance of any service or services pursuant to this act; and participation in one such contract shall not bar participation with the same or other parties in any other contract.

C. 40:8A-7 Payment for services.

7. a. Payment for services performed pursuant to a contract shall be made by and to such parties, and at such intervals, as shall be provided in the contract.

b. In the event of any dispute as to the amount to be paid, the full amount to be paid as provided in subsection a. of this section shall be paid; but if through subsequent negotiation, arbitration or litigation the amount due shall be determined,

agreed or adjudicated to be less than was actually so paid, the party having received the payment shall forthwith repay the excess.

C. 40:8A-8 Contract for services of private contractor.

8. If any party performing a service on behalf of another party or parties to a contract utilizes the services of a private contractor to perform all or most of such service, or all or most of a specific and separate segment of the services so contracted for, such party shall be required to award the contract for the work to be performed by a private contractor under such contract in accordance with the "Local Public Contracts Law" (N. J. S. 40A:11-1 et seq.).

C. 40:8A-9 Approval of certain contracts.

9. In the event that any authority, board, commission, district or other body created jointly by one or more local units proposes to enter into a contract under this act whereby such authority, board, commission, district or other body agrees to have performed on its behalf services the cost of which shall equal $\frac{1}{2}$ or more of the total costs of the services being performed by such authority, board, commission, district or other body immediately prior to the adoption of the proposed contract, the contract shall require approval by resolution of the governing body of each local unit which created such authority, commission, district, board, or other body or which has become a participant therein subsequent to its creation.

10. Section 9 of P. L. 1966, c. 293 (C. 52:27D-9) is amended to read as follows:

C. 52:27D-9 Additional duties.

9. The department shall, in addition to other powers and duties invested in it by this act, or by any other law:

(a) Assist in the coordination of State and Federal activities relating to local government;

(b) Advise and inform the Governor on the affairs and problems of local government and make recommendations to the Governor for proposed legislation pertaining thereto;

(c) Encourage cooperative action by local governments, including joint service agreements, regional compacts and other forms of regional cooperation;

(d) Assist local government in the solution of its problems, to strengthen local self-government;

(e) Study the entire field of local government in New Jersey;

(f) Collect, collate, publish and disseminate information necessary for the effective operation of the department and useful to local government;

(g) Maintain an inventory of data and information and act as a clearing house and referral agency for information on State and Federal services and programs;

(h) Stimulate local programs through publicity, education, guidance and technical assistance concerning Federal and State programs;

(i) Convene meetings of municipal, county or other local officials to discuss ways of cooperating to provide service more efficiently and economically; and

(j) Maintain and make available on request a list of persons qualified to mediate or arbitrate disputes between local units of government arising from joint service projects or other cooperative activities, and further to prescribe rates of compensation for all such mediation, factfinding or arbitration services.

11. Section 10 of P. L. 1960, c. 3 (C. 40:48B-1.1) is amended to read as follows:

C. 40:48B-1.1 Definitions.

10. The following terms wherever used or referred to in this act shall have the following respective meanings:

(1) "Governing body" shall mean the commission, council, board or body, by whatever name it may be known, having charge of the finances of a county or municipality.

(2) "Person" shall mean any person, association, corporation, nation, State, or any agency or subdivision thereof, or a county or municipality of the State.

(3) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of lands, public improvements, works, facilities, services or undertakings.

(4) "Operate" and "operation" shall mean and include acquisition, construction, maintenance, management and adminis-

tration of any lands, public improvements, works, facilities, services or undertakings.

(5) "Local unit" shall mean any municipality or county.

12. Section 2 of P. L. 1952, c. 72 (C. 40:48B-2) is amended to read as follows:

C. 40:48B-2 Authority to enter into contract for joint operation of public services, improvements, facilities, etc.

2. a. The governing bodies of any two or more municipalities or counties or combination of municipality or municipalities and county or counties may enter into a joint contract for a period not to exceed 40 years to provide for the formation of a joint meeting for the joint operation of any public services, public improvements, works, facilities or undertakings which any such local unit is empowered to operate. Such contract shall be entered into in accordance with the procedures set forth for the entering into of joint service contracts in section 4 of the "Interlocal Services Aid Act" (now pending before the Legislature as Senate Bill No. 307).

b. A joint contract may provide for joint services in any service which any contracting local unit on whose behalf such services are to be performed is legally authorized to provide for itself. Such services shall include but not be limited to general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental protection, joint municipal courts, youth, senior citizens and social welfare programs.

c. The joint contract shall set forth the public services, public improvements, works, facilities or undertakings which the contracting local units desire to operate jointly, and shall provide in general terms the manner in which the public services, public improvements, works, facilities or undertakings shall be jointly operated, and the respective duties and responsibilities of the contracting local units.

d. No such joint contract shall authorize the operation of any property or service defined as a "public utility" by R. S. 48:2-13, except as may otherwise be provided by law.

13. Section 7 of P. L. 1960, c. 3 (C. 40:48B-2.1) is amended to read as follows:

C. 40:48B-2.1 Joint meeting; powers and authority.

7. a. The joint meeting shall be a public body corporate and politic constituting a political subdivision of the State exercising public and essential governmental functions to provide for the public health and welfare. The joint meeting shall have the following powers and authority, which may be exercised by the management committee to the extent provided in the joint contract:

- (1) To sue and be sued;
- (2) To acquire and hold real and personal property by deed, gift, grant, lease, purchase, condemnation or otherwise;
- (3) to enter into any and all contracts or agreements and to execute any and all instruments;
- (4) To do and perform any and all acts or things necessary, convenient or desirable for the purposes of the joint meeting or to carry out any powers expressly given in this act;
- (5) To sell real and personal property owned by the joint meeting at public sale;
- (6) To operate all services, lands, public improvements, works, facilities or undertakings for the purposes and objects of the joint meeting;
- (7) To enter into a contract or contracts providing for or relating to the use of its services, lands, public improvements, works, facilities or undertakings, or any part thereof, by local units who are not members of the joint meeting, and other persons, upon payment of charges therefor as fixed by the management committee;
- (8) To receive such State or Federal aids or grants as may be available for the purposes of the joint meeting and to make and perform such agreements and contracts as may be necessary or convenient in connection with the application for, procurement, acceptance or disposition of such State or Federal aids or grants; and
- (9) To acquire, maintain, use and operate lands, public improvements, works or facilities in any municipality in the State, except where the governing body of such municipality, by resolution adopted within 60 days after receipt of written notice of intention to so acquire, maintain, use or operate, shall find that the same would adversely affect the governmental operations and functions and the exercise of the police powers of such municipality.

b. If the governing body of a municipality in which a joint meeting has applied for the location and erection of sewage treatment or solid waste disposal facilities refuses permission therefor or fails to take final action upon the application within 60 days of its filing, the joint meeting may, at any time within 30 days following the date of such refusal or the date of expiration of said period of 60 days, apply to the Department of Environmental Protection, which is authorized, after hearing the joint meeting and the municipality interested, to grant the application for the erection of the sewage treatment or disposal or solid waste treatment or disposal facilities, notwithstanding the aforesaid refusal or failure to act of the governing body, upon being satisfied that the topographical and other physical conditions existing in the local units comprising the joint meeting are such as to make the erection of such facilities within its boundaries impracticable as an improvement for the benefit of the whole applying joint meeting.

14. Section 4 of P. L. 1952, c. 72 (C. 40:48B-4) is amended to read as follows:

C. 40:48B-4 Joint contract; provisions; apportionment of costs and expenses; approval; amendments; filing of documents.

4. The joint contract shall provide for the operation of the public services, public improvements, works, facilities or undertakings of the joint meeting, for the apportionment of the costs and expenses of operation required therefor among the contracting local units, for the addition of other local units as members of the joint meeting, for the terms and conditions of continued participation and discontinuance of participation in the joint meeting by the contracting local units, and for such other terms and conditions as may be necessary or convenient for the purposes of the joint meeting. The apportionment of costs and expenses may be based upon assessed valuations, population, and such other factor or factors, or any combination thereof, as may be provided in the joint contract. The joint contract shall be subject to approval by resolution of the governing bodies of each of the local units prior to its execution by such official or officials as may be authorized to execute such joint contract. The joint contract shall specify the name by which the joint meeting shall be known. The joint contract may be amended from time to time by agreement of the parties thereto, in the same manner as the original contract was authorized and approved. A copy of every ordinance, resolution, joint contract and every amendment thereto shall be forthwith filed with the Commissioner of Community Affairs.

15. Section 5 of P. L. 1952, c. 72 (C. 40:48B-5) is amended to read as follows:

C. 40:48B-5 Management committee; membership, appointment, term; officers and employees; powers; delegation of functions.

5. The joint contract shall provide for the constitution and appointment of a management committee to consist of one member to be appointed by the governing body of each of the local units executing same, who shall be a resident of the appointing local unit. Such appointee may or may not be a member of the appointing governing body. Each member of the management committee shall hold office for the term of 1 year and until his successor has been appointed and qualified. In the event that only two local units are parties to the contract, the management committee shall consist of three members, one selected from each by the governing bodies and one member selected by the two other members.

The management committee shall elect annually from among its members a chairman to preside over its meetings. The management committee may appoint such other officers and employees, including counsel, who need not be members of the management committee or members of the governing bodies or employees or residents of the local units, as it may deem necessary. The employees appointed by the management committee shall hold office for such term not exceeding 4 years as may be provided by the joint contract. The management committee shall adopt rules and regulations to provide for the conduct of its meetings and the duties and powers of the chairman and such other officers and employees as may be appointed. All actions of the management committee shall be by vote of the majority of the entire membership of the committee, except for those matters for which the contract requires a greater number, and shall be binding on all local units who have executed the joint contract. The management committee shall exercise all of the powers of the joint meeting subject to the provisions of the joint contract.

The joint contract may provide for the delegation of the administration of any or all of the services, lands, public improvements, works, facilities or undertakings of the joint meeting to the governing body of any one of the several contracting local units, in which event such governing body shall have and exercise all of the powers and authority of the management committee with respect to such delegated functions.

16. Section 7 of P. L. 1952, c. 72 (C. 40:48B-7) is amended to read as follows:

C. 40:48B-7 Apportionment and certification of costs of acquisition and construction; appropriation of funds.

7. The cost of acquiring and constructing any public improvements, works, facilities, services or undertakings, or any part thereof, as determined by the management committee, shall be apportioned among the participating local units as provided by the joint contract. Each local unit shall have power to raise and appropriate the funds necessary therefor in the same manner and to the same extent as such local unit would have if it were acquiring and constructing the same for itself, including the power to authorize and issue bonds or other obligations pursuant to the local bond law (N. J. S. 40A:2-1 et seq.). The management committee shall certify to the participating local units the cost of such acquisition or construction, as well as the apportioned shares thereof, within 15 days after its action thereon.

17. Section 8 of P. L. 1952, c. 72 (C. 40:48B-8) is amended to read as follows:

C. 40:48B-8 Certification and apportionment of costs and expenses of operation; payment; supplemental or emergency appropriation.

8. The management committee shall, not later than November 1 of each year, certify to the participating local units the total costs and expenses of operation, other than acquisition and construction costs, of the services, public improvements, works, facilities or undertakings for the ensuing year, in accordance with the terms and provisions of the joint contract, together with an apportionment of such costs and expenses of operation among the participating local units in accordance with the method of apportionment provided in the joint contract. It shall be the duty of each participating local unit to include its apportioned share of such costs and expenses of operation in its annual budget, and to pay over to the management committee its apportioned share as provided in the joint contract. Operations under the budget and related matters shall be subject to and in accordance with rules of the Division of Local Finance. For the first year of operation under the joint contract, a participating local unit may adopt a supplemental or emergency appropriation for the purpose of paying its apportioned share of the costs and expenses of operation, if provision therefor has not been made in the annual budget.

18. Section 9 of P. L. 1952, c. 72 (C. 40:48B-9) is amended to read as follows:

C. 40:48B-9 Termination of joint contract.

9. The joint contract shall be terminated upon the adoption of a resolution to that effect by the governing bodies of $\frac{2}{3}$ of the local units then participating; except that if only two local units are then participating, adoption of a resolution by both units shall be required to terminate the contract. Such termination shall not be made effective earlier than the end of the fiscal year next succeeding the fiscal year in which the last of the required number of local units adopts such resolution.

C. 40:8A-10 Legislature's intent.

19. It is the intent of the Legislature to facilitate and promote interlocal and regional service agreements, and therefore the grant of power under this act is intended to be as broad as is consistent with general law relating to local government.

C. 40:8A-11 Partial invalidity.

20. If any clause, sentence, paragraph, section or part of this act shall be adjudged to be invalid by any court of competent jurisdiction, such 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 such judgment shall have rendered.

21. This act shall take effect immediately.

Approved August 2, 1973.

CHAPTER 209

AN ACT to authorize the township of Burlington in the county of Burlington to make permanent the appointment of Richard Jones to the Police Department of the township of Burlington.

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

Private act.

1. The township of Burlington in the county of Burlington is authorized to make permanent the appointment of Richard Jones to the Police Department of the township of Burlington notwithstanding that the age of Richard Jones is over the maximum age

required for appointment thereto pursuant to law and the rules and regulations of the Civil Service Commission.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the township of Burlington for the purpose of adopting same.

Approved August 2, 1973.

CHAPTER 210

AN ACT to amend "An act concerning insurance, creating the 'New Jersey Insurance Underwriting Association,' prescribing the powers, duties and functions thereof and supplementing Title 17 of the Revised Statutes," approved July 2, 1968 (P. L. 1968, c. 129).

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

1. Section 6 of P. L. 1968, c. 129 (C. 17:37A-6) is amended to read as follows:

C. 17:37A-6 Association members' participation; commissioner's action.

6. All members of the association shall participate in its writings, expenses, profits and losses in the proportion that the net direct premiums of each such member (but excluding that portion of premiums attributable to the operation of the association) written in this State during the preceding calendar year bear to the aggregate net direct premiums written in this State by all members of the association, as certified to the association by the commissioner after review of annual statements, other reports and any other statistics the commissioner shall deem necessary to provide

the information herein required, and which the commissioner is hereby authorized and empowered to obtain from any member of the association. Each member's participation in the association shall be determined annually pursuant to the provisions of this section. No member shall be obligated in any 1 year to reimburse the association on account of its proportionate share in the deficit from operations of the association in that year in excess of 5% of its surplus to policyholders and the aggregate amount not so reimbursed shall be reallocated among the remaining members in accordance with the method of determining participation prescribed in this section, after excluding from the corporation the total net direct premiums of all members not sharing in such excess deficit. In the event that the deficit from operations allocated to all members of the association in any calendar year shall exceed 1% of their respective surplus to policyholders, the amount of such deficit shall be allocated to each member in accordance with the method of determining participation prescribed in this section. Any insurer authorized to write and engaged in writing any insurance, the writing of which requires such insurer to be a member of the association, pursuant to the provisions of section 3 of this act, who is authorized to write and engages in writing such insurance after the effective date of this act, shall become a member of the association on the January 1 immediately following such authorization, and the determination of any such insurer's participation in the association shall be made as of the date of such membership in the same manner as for all other members of the association.

2. This act shall take effect immediately.

Approved August 2, 1973.

CHAPTER 211

AN ACT to amend and supplement "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 19 of P. L. 1948, c. 67 (C. 17:9A-19) is amended to read as follows:

C. 17:9A-19 Branch offices; locations; capital requirements.**19. Branch offices; locations; capital requirements.**

A. Any bank or savings bank may, pursuant to a resolution of its board of directors or board of managers, establish and maintain branch offices, subject to the conditions and limitations of this article.

B. No bank or savings bank shall establish or maintain a branch office which is located outside the municipality in which it maintains its principal office, except that a bank or savings bank may establish and maintain a branch office or offices anywhere in the State:

(1) when such bank is a receiving bank as defined in section 132 or a receiving savings bank as defined in section 205, and each proposed branch will be established at a location occupied by the principal office or a branch office of a merging bank, as defined in section 132; or a merging savings bank, as defined in section 205; or

(2) when each proposed branch will be established at a location occupied by the principal office or a branch office of a banking institution in liquidation or in contemplation of liquidation.

(3) (Deleted by amendment.)

C. No bank shall hereafter establish a branch office unless its capital stock and surplus shall at least equal the minimum capital stock and surplus required by section 4 on the organization of a bank to transact business at the location occupied by the principal office of the bank proposing to establish such branch office, plus at least \$100,000.00 of capital stock for each branch office maintained or proposed to be established by such bank.

D. No savings bank shall hereafter establish a branch office unless its surplus shall at least equal the minimum capital deposits required by section 8 on the organization of a savings bank to transact business at the location occupied by the principal office of the savings bank proposing to establish such branch office, plus at least \$100,000.00 of surplus for each branch office maintained or proposed to be established by such savings bank.

E. (Deleted by amendment.)

F. (Deleted by amendment.)

G. During the year beginning January 1, 1973, and ending on December 31, 1973, no bank or savings bank shall, except as provided in subsection B. of this section, establish a branch office in a municipality, other than that in which it maintains its principal office, (1) which has a population of less than 7,500, and in which is located a branch office of another banking institution, or (2) which has a population of less than 50,000, and in which another banking institution maintains its principal office.

H. During the year beginning January 1, 1974, and ending on December 31, 1974, no bank or savings bank shall, except as provided in subsection B. of this section, establish a branch office in a municipality, other than that in which it maintains its principal office, (1) which has a population of less than 7,500 and in which is located a branch office of another banking institution, or (2) which has a population of less than 40,000, and in which another banking institution maintains its principal office.

I. During the year beginning January 1, 1975, and ending on December 31, 1975, no bank or savings bank shall, except as provided in subsection B. of this section, establish a branch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 30,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

J. During the year beginning January 1, 1976, no bank or savings bank shall, except as provided in subsection B. of this section, establish a branch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 20,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

K. During the year beginning January 1, 1977 and thereafter, no bank or savings bank shall, except as provided in subsection B. of this section, establish a branch office in a municipality, other than that in which it maintains its principal office, which has a population

of less than 10,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

2. Section 132 of P. L. 1948, c. 67 (C. 17:9A-132) is amended to read as follows:

C. 17:9A-132 Definitions.

132. Definitions.

As used in this article:

(1) "merging bank" means a bank which is merged, or which is in process of being merged, into another bank; and, in a case where a national banking association is merged into or consolidated with, or is in process of being merged into or consolidated with, a bank under the charter of such bank, "merging bank" also means such national banking association;

(2) "receiving bank" means a bank into which one or more other banks are merged, or are in process of being merged; and, in a case where a national banking association is merged into or consolidated with, or is in process of being merged into or consolidated with, a bank under the charter of such bank, "receiving bank" also means the bank into which such national banking association is merged or consolidated, or is in process of being merged or consolidated.

3. Section 133 of P. L. 1948, c. 67 (C. 17:9A-133) is amended to read as follows:

C. 17:9A-133 What banks may merge.

133. What banks may merge.

Any two or more banks may, with the approval of the commissioner, merge one or more of them into another of them as provided in this article.

4. Section 148 of P. L. 1948, c. 67 (C. 17:9A-148) is amended to read as follows:

C. 17:9A-148 Merger or consolidation of banks and national banking associations; definition of "applicable Federal law."

148. Merger or consolidation of banks and national banking associations; definition of "applicable Federal law."

A. As used in subsection B. of this section, “applicable Federal law” means the laws of the United States, as presently enacted and as hereafter from time to time supplemented or amended, governing the merger or consolidation of a bank organized under State laws into a national banking association, under the charter of such association; and, as used in subsection C. of this section, “applicable Federal law” means the laws of the United States, as presently enacted and as hereafter from time to time supplemented or amended, governing the merger or consolidation of a national banking association into a bank organized under State laws, under the charter of such bank.

B. One or more banks may, without the approval of the commissioner or of any other officer, department, board or agency of this State, merge into or consolidate with a national banking association under the charter of such association, with the approval of the holders of at least $\frac{2}{3}$ of the capital stock of each such bank entitled to vote. A majority of the directors of each such bank shall, within 10 days after such approval has been given, file in the department a certificate over their signatures that such approval has been given, and that the bank intends to act in pursuance thereof. Except as otherwise provided in subsection D. of this section, a merger or consolidation authorized by this subsection shall be effected solely in the manner and with the effect provided by applicable Federal law, and no such merger or consolidation shall be subject to sections 132 through 147 or to any other law of this State; but a copy of the agreement or merger or consolidation certified by the comptroller of the currency shall be evidence, and may be recorded, as provided by section 138. Upon the taking effect of the merger or consolidation, the bank shall be deemed to have surrendered its charter.

C. One or more national banking associations, or one or more national banking associations together with one or more banks may, with the approval of the commissioner as provided by section 136, merge into a bank, or may consolidate with a bank under the charter of such bank. Each bank which is a party to such a merger or consolidation as a merging bank or as the receiving bank shall, in all respects, comply with and be subject to the provisions of sections 134 through 147, in the same manner and with the same effect as if all the parties to such merger or consolidation were banks; the rights, duties, obligations, powers and privileges of each such bank, whether such bank is a merging bank or the

receiving bank, and of its or their depositors, other creditors, stockholders and all other persons in interest, shall be as prescribed and defined by sections 134 through 137; and except as in this subsection otherwise provided in respect to national banking associations, every provision contained in sections 134 through 137 shall be applicable to a merger or consolidation effected pursuant to this subsection, notwithstanding that a national banking association is a party to such a merger or consolidation. Each national banking association which is a party to a merger or consolidation authorized by this subsection shall comply with and be subject to the provisions of applicable Federal law, and the rights, duties, obligations, powers and privileges of such national banking association, and of its depositors, other creditors, stockholders and all other persons in interest, shall be as prescribed and defined by such applicable Federal law.

D. National banking associations may, under the laws of the United States, merge into or consolidate with a bank organized under State laws, without approval by any United States authority other than an authority empowered by United States law to approve or disapprove of a merger between, or a consolidation of, State chartered banks.

5. Section 199 of P. L. 1948, c. 67 (C. 17:9A-199) is amended to read as follows:

C. 17:9A-199 What savings banks may merge.

199. What savings banks may merge.

Any two or more savings banks, may, with the approval of the commissioner, merge one or more of them into another of them, as provided herein.

C. 17:9A-19.1 Certain branch offices not affected by act.

6. Nothing in this act shall affect the continued maintenance of any branch office lawfully in operation on the effective date hereof, nor shall anything in this act affect any branch office heretofore or hereafter established pursuant to P. L. 1971, c. 26 (C. 17:9A-23.14).

7. This act shall take effect January 1, 1973.

Approved August 8, 1973.

CHAPTER 212

AN ACT concerning the status of certain police officers heretofore appointed pursuant to R. S. 40:149-2.

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

1. Any police officer heretofore appointed by any township committee pursuant to the provisions of R. S. 40:149-2, since repealed, shall continue in such office or position at the will of the township committee until such time as a police department may have been created by ordinance pursuant to the provisions of N. J. S. 40A:14-118, and any such police officer shall be in the unclassified service of any municipality wherein Title 11 (Civil Service) of the Revised Statutes is operative.

2. In any township operating under the provisions of subtitle 3, of Title 11 of the Revised Statutes in which a police department has been established by ordinance, the appointment of any person as a member or officer of the police department who, at the time of the adoption of said ordinance served as a police officer for the township by appointment pursuant to R. S. 40:149-2, since repealed, is hereby validated and confirmed and every such person shall continue in the office or position to which he was appointed during good behavior and efficiency, provided he shall complete all training courses required for police officers within 1 year of such appointment or within 6 months of the effective date of this act, whichever is later.

3. In any township where two or more such police officers were appointed pursuant to R. S. 40:149-2 and any such officer or officers were designated as chief of police, captain, sergeant or other rank, such officer shall be entitled to continue in employment in such rank upon the creation of a permanent police department or force.

4. Nothing herein contained shall in any way be deemed to preclude the right of the governing body of any such township to dismiss any police officer appointed pursuant to the provisions of R. S. 40:149-2, now repealed, immediately prior to the adoption of any ordinance creating a police department or force.

5. This act shall take effect immediately.

Approved August 23, 1973.

CHAPTER 213

AN ACT concerning group life insurance and amending N. J. S. 17B:27-8 (P. L. 1971, c. 144).

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

1. N. J. S. 17B:27-8 is amended to read as follows:

Group associations.

17B:27-8. A policy issued to a duly incorporated nonprofit religious or charitable association or corporation, which has been in existence for more than 1 year at the time of issuance of the policy and which was not formed for the exclusive purpose of procuring insurance, or to a duly incorporated national scouting organization chartered by the Congress of the United States of America, or to the trustees of a fund established by such association, corporation or organization, which association, corporation, organization or trustees shall be deemed the policyholder, to insure members of such association, corporation or organization, subject to the following requirements:

a. The persons eligible for insurance under the policy shall be all of the members of such association or corporation or all of the registered adult members of such organization or all of any class or classes thereof determined by conditions pertaining to membership in such association, corporation or organization.

b. The premium for the policy shall be paid by the policyholder or the insured members, or by both jointly.

c. The policy must cover at least 100 members at date of issue. A policy on which any part or all of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of such eligible members or a minimum of 500 members, whichever is less, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

d. The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured members or by the policyholder.

e. A portion of the amount of insurance payable by reason of the death of each insured member shall be payable to such association, corporation or organization or to a national or local council of such organization or to the trustees of a fund established by such association, corporation or organization. Any refund or credit arising from the insurance by way of dividend or retrospective rating may be paid to such association, corporation or organization, to a national or local council, or to the trustees of a fund established by such association, corporation or organization.

2. This act shall take effect immediately.

Approved August 23, 1973.

CHAPTER 214

AN ACT to authorize the borough of Prospect Park in the county of Passaic to make permanent the appointment of Glenn Saltenberger to the police department of the borough of Prospect Park.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Prospect Park, in the county of Passaic is authorized to make permanent the appointment of Glenn Saltenberger to the police department of the borough of Prospect Park notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Prospect Park for the purpose of adopting same.

Approved August 23, 1973.

CHAPTER 215

AN ACT to authorize the board of chosen freeholders of any county or county park commission to make available lands to be used as training grounds for firemen and policemen, to appropriate money for the operation and improvement of such properties, and validating actions heretofore undertaken by counties and county park commissions for such purposes.

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

C. 40:23-6.45 Authority to make certain lands available for use as training grounds.

1. The board of chosen freeholders of any county or county park commission may, by resolution, make available any lands owned or leased by said county or county park commission, or otherwise under its control, to be used as training grounds for paid, part-paid or volunteer fire companies and for police departments and forces located in any municipality or fire district in such county or adjoining counties.

C. 40:23-6.46 Appropriations for operation of properties for training purposes.

2. The board of chosen freeholders or county park commission may from time to time raise, appropriate and expend such sums of money as it may deem expedient for operating and improving any such properties for training purposes, including construction of buildings, installation of water mains and hydrants, and the construction on said lands of drill towers and training equipment, in order to instruct members of fire companies in the latest methods, procedures and techniques of fire fighting, to instruct members of police departments and forces in the latest methods, procedures and techniques of police work, and for the purpose of testing apparatus and equipment.

3. All actions and proceedings authorized by section 1 and section 2 of this act heretofore made and undertaken by any county or county park commission are validated, ratified and confirmed.

4. This act shall take effect immediately.

Approved August 23, 1973.

CHAPTER 216

AN ACT to amend and supplement the "Condominium Act," approved January 7, 1970 (P. L. 1969, c. 257).

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

1. Section 3 of P. L. 1969, c. 257 (C. 46:8B-3) is amended to read as follows:

C. 46:8B-3 Definitions.

3. Definitions. The following words and phrases as used in this act shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(a) "Assigns" means any person to whom rights of a unit owner have been validly transferred by lease, mortgage or otherwise.

(b) "Association" means the entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

(c) "Bylaws" means the governing regulations adopted under this act for the administration and management of the property.

(d) "Common elements" means:

(i) the land described in the master deed;

(ii) as to any improvement, the foundations, structural and bearing parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, elevators, entrances, exits and other means of access, excluding any specifically reserved or limited to a particular unit or group of units;

(iii) yards, gardens, walkways, parking areas and driveways, excluding any specifically reserved or limited to a particular unit or group of units;

(iv) portions of the land or any improvement or appurtenance reserved exclusively for the management, operation or maintenance of the common elements or of the condominium property;

(v) installations of all central services and utilities;

(vi) all apparatus and installations existing or intended for common use;

(vii) all other elements of any improvement necessary or convenient to the existence, management, operation, mainte-

nance and safety of the condominium property or normally in common use; and

(viii) such other elements and facilities as are designated in the master deed as common elements.

(e) "Common expenses" means expenses for which the unit owners are proportionately liable, including but not limited to:

(i) all expenses of administration, maintenance, repair and replacement of the common elements;

(ii) expenses agreed upon as common by all unit owners; and

(iii) expenses declared common by provisions of this act or by the master deed or by the bylaws.

(f) "Common receipts" means:

(i) rent and other charges derived from leasing or licensing the use of common elements;

(ii) funds collected from unit owners as common expenses or otherwise; and

(iii) receipts designated as common by the provisions of this act or by the master deed or the bylaws.

(g) "Common surplus" means the excess of all common receipts over all common expenses.

(h) "Condominium" means the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

(i) "Condominium property" means the land covered by the master deed, whether or not contiguous and all improvements thereon, all owned either in fee simple or under lease, and all easements, rights and appurtenances belonging thereto or intended for the benefit thereof.

(j) "Limited common elements" means those common elements which are for the use of one or more specified units to the exclusion of other units.

(k) "Majority" or "majority of the unit owners" means the owners of more than 50% of the aggregate in interest of the undivided ownership of the common elements as specified in the master deed. If a different percentage of unit owners is required to be determined under this act or under the master deed or bylaws for any purpose, such different percentage of owners shall mean the owners of an equal percentage of the aggregate in interest of the undivided ownership of the common elements as so specified.

(l) "Master deed" means the master deed recorded under the terms of section 8 of this act, as such master deed may be amended or supplemented from time to time, being the instrument by which the owner in fee simple or lessee of the property submits it to the provisions of this chapter.

(m) "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

(n) "Unit" means a part of the condominium property designed or intended for any type of independent use, having a direct exit to a public street or way or to a common element or common elements leading to a public street or way or to an easement or right of way leading to a public street or way, and includes the proportionate undivided interest in the common elements and in any limited common elements assigned thereto in the master deed or any amendment thereof.

(o) "Unit deed" means a deed of conveyance of a unit in recordable form.

(p) "Unit owner" means the person or persons owning a unit in fee simple.

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

C. 46:8B-8 Method of creation.

8. Method of creation. A condominium may be created and established by recording in the office of the county recording officer of the county wherein the land is located a master deed executed and acknowledged by all owners or the lessees setting forth the matters required by section 9 of this act. This act shall apply solely to real property of interests therein which have been subjected to the terms of this act as provided in this section.

C. 46:8B-8.1 Creation and establishment of condominiums upon certain lands.

3. Nothing in the act to which this act is a supplement shall be construed to prevent the creation and establishment of a condominium as defined in this act, upon land held under a lease by the lessee or creator of the condominium, provided that the master deed required under this act shall be signed, not only by the lessee, but also by the lessor of the land who holds the legal title to the land in fee simple.

4. This act shall take effect immediately.

Approved August 23, 1973.

CHAPTER 217

AN ACT to authorize the borough of Penns Grove in the county of Salem to make permanent the appointment of James J. Nelson and Joseph E. Venello to the police department of the borough of Penns Grove.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Penns Grove in the county of Salem is authorized to make permanent the appointment of James J. Nelson and Joseph E. Venello to the police department of the borough of Penns Grove notwithstanding their age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Penns Grove for the purpose of adopting same.

Approved August 23, 1973.

CHAPTER 218

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, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

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

CLAIM

DEPARTMENT OF TRANSPORTATION

61100. STATE HIGHWAY FACILITIES-STATE HIGHWAY CONSTRUCTION

Brookfield Construction Company, 521 Fifth avenue, New York, New York, c/o Herman V. Traub, Esquire, 295 Madison avenue, New York, New York 10017, for additional cost items incurred in the construction of Route 80, section 5-S, \$175,000.00.

2. This act shall take effect immediately.

Approved August 23, 1973.

CHAPTER 219

AN ACT concerning cemeteries and amending, supplementing, repealing, and revising various parts of the statutory law and making an appropriation therefor.

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

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

New Jersey Cemetery Board; establishment, membership, appointment, terms, vacancies, removal, compensation, officers, meetings, executive director, personnel, quorum, reports.

8A:2-1. a. There is hereby established in the Department of Banking a board which shall be known as the New Jersey Cemetery Board.

b. The New Jersey Cemetery Board shall consist of nine members, three of whom shall be ex-officio members, viz., the Attorney General, the Commissioner of Banking and the Commissioner of Health, or when so designated by them, their designees; five regular members, each of whom has served, for a period of at least 5 consecutive years immediately preceding his appointment, as a member of a board of managers, directors, trustees, general manager or superintendent of a cemetery company; and one public member who shall have no interest directly or indirectly in any

cemetery company or any allied industries. Each of the regular members and the public member shall be appointed by the Governor with the advice and consent of the Senate, to serve during the term of office and until the qualification and appointment of his successor.

c. The terms of the five regular members and one public member first appointed shall be arranged by the Governor so that two of such terms shall expire in 1 year, two in 2 years, and two in 3 years. Thereafter all appointments shall be for the term of 4 years. Vacancies shall be filled in the same manner as original appointments but for the unexpired term only.

d. Any member of the New Jersey Cemetery Board may be removed from office by the Governor for cause, upon notice and opportunity to be heard.

e. The members of the New Jersey Cemetery Board shall serve without compensation but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties.

f. The members of the board shall elect a chairman and secretary from among their own number. The board shall meet at least four times each year, at the call of its chairman or at the written request of two members of the board directed to its chairman. The chairman shall fix the time and place for such meetings.

g. The work of the New Jersey Cemetery Board shall be under the immediate supervision of an executive director who shall be appointed by the board for a term of 6 years. The board shall fix the compensation of the executive director within the limits of available appropriations.

The executive director shall not have any interest directly or indirectly in any cemetery company or in any individual, partnership or corporate entity which does business with or at any cemetery.

h. Subject to the approval of the Commissioner of Banking and the provisions of Title 11, Civil Service, the New Jersey Cemetery Board may appoint, employ or remove such assistants and employees as may be necessary to carry out the provisions of this act. The board shall be entitled to call upon its assistants and avail itself of the services of such employees of any State department or agency as it may require and as may be made available to it for such purpose.

i. Six members of the New Jersey Cemetery Board shall constitute a quorum to transact business of the board and all actions of the board shall require the affirmative vote of at least six members.

j. The New Jersey Cemetery Board shall make an annual detailed report to the Commissioner of Banking of the performance of its duties and the operations of the board and shall make such other reports to the Commissioner of Banking as the commissioner may require from time to time.

2. N. J. S. 8A:2-2 is amended to read as follows:

Board's powers.

8A:2-2. The New Jersey Cemetery Board shall have full power and authority to administer the provisions of this act and shall have general supervision and regulation of and jurisdiction and control over all cemetery companies and their property, property rights, equipment and facilities so far as may be necessary for the purpose of carrying out the provisions of this Title.

3. N. J. S. 8A:2-3 is amended to read as follows:

Notice of action or proceeding.

8A:2-3. In any action or proceeding affecting or instituted by any cemetery company the Attorney General and the New Jersey Cemetery Board shall be served with notice thereof in the same manner as any necessary party and shall take such steps in the action or proceeding as may be deemed necessary to protect the public interest.

4. N. J. S. 8A:3-2 is amended to read as follows:

Certificate of authority required.

8A:3-2. Before any cemetery company organized after the effective date of this act, subject to the provisions of this act, shall engage in any function or operation of a cemetery or crematory there shall be issued to the cemetery company operating such cemetery or crematory a certificate of authority to so operate. Such certificate shall be issued by the New Jersey Cemetery Board in accordance with this chapter.

5. N. J. S. 8A:3-3 is amended to read as follows:

Application for certificate of authority; contents.

8A:3-3. The application for such certificate of authority by any cemetery company organized after the effective date of this act shall be made in writing to the cemetery board, be verified under oath and shall contain such information as the cemetery board by regulation shall require to enable the board, in its discretion to determine whether the issuance of the certificate is warranted. This information shall be directed to the fitness of the applicant;

its ability to properly perform the services proposed; its ability to conform to the provisions of this act and the requirements, rules and regulations of the cemetery board; its ability to comply with any pertinent regulation for the protection of health, promulgated by either the New Jersey Department of Health, New Jersey Department of Environmental Protection, the cemetery board, or local health authorities; the necessity for the services sought to be provided, taking into consideration such factors as the present or future public need and convenience, and any pertinent territorial qualifications.

6. N. J. S. 8A:3-14 is amended to read as follows:

Construction of mausoleums, vaults or crypts; permit; approval; limitations; penalty.

8A:3-14. a. No person shall build, construct or erect, wholly or partially above or below the surface of the ground, a public mausoleum, vault, crypt or other structure intended to hold or contain dead bodies, without obtaining a building permit from the building inspector of the municipality in which it is proposed to build or erect said structure. A denial or failure to issue said permit shall be reviewable in the Superior Court by a proceeding in lieu of prerogative writ. The provisions of this section shall have application to every cemetery company, religious corporation and religious society.

b. Full detailed plans and specifications of said structure shall be presented to the State Department of Environmental Protection for its examination and approval before the commencement of the erection thereof. Before approving the plans and specifications the State Department of Environmental Protection shall be satisfied that the mausoleum proposed to be constructed can be operated and maintained without constituting a hazard to public health or safety.

The approval of the plans and specifications by the State Department of Environmental Protection shall be evidenced by a certificate in writing, properly signed, which certificate with the detailed plans and specifications so approved shall, before work is begun on the structure, be filed in the office of the clerk of the county wherein the structure is to be erected and there remain as a public record.

c. The process of construction and erection of the structure shall be at all times under the supervision of the said building inspector, whose duty it shall be to see that the approved plans and specifications are complied with in every particular as to kind, quality,

character and quantity of all materials. No departure or deviation from the original plans and specifications shall be permitted, except upon the approval of the said State Department of Environmental Protection evidenced and filed in like manner and form as the approval of the original plans and specifications.

d. No structure erected under the provisions of this section shall be used for the purpose of interring or depositing therein any dead body until there shall have been obtained a certificate signed by the building inspector of the municipality in which the structure shall have been erected, which certificate shall show that the plans and specifications as filed have been complied with fully in every particular, nor until the certificate shall be filed with the clerk of the county wherein the structure is located.

e. No structure constructed or erected under the provisions of this section shall be used for the interment or depositing therein of a dead body until a trust fund shall have been established and set apart in accordance with the laws regulating trust funds in this State, of not less than 10% of the total cost of the structure. The interest on the trust fund, and the interest only, shall be used for the perpetuation of the structure. This provision shall not apply to private mausoleums or temporary receiving vaults.

f. This section shall not apply to a public mausoleum, vault, crypt or other structure intended to hold or contain dead bodies, constructed or erected or in the course of construction or erection prior to March 21, 1916.

g. Any officer, manager or director of a cemetery willfully failing to comply with the provisions of this section shall be personally liable therefore and shall be liable to a penalty of \$1,000.00.

7. N. J. S. 8A:3-15 is amended to read as follows:

Voting membership of cemetery companies.

8A:3-15. In the case of cemeteries other than those owned by shareholders, each owner of an interment space shall be considered a member of the cemetery company and shall have one vote for each grave, crypt or niche wherever voting by the members is required under the provisions of any law, subject to the following qualifications:

a. If any interment space is owned by more than one person, then a majority of the owners thereof shall decide among themselves who shall cast the vote represented by said ownership.

b. No interment space owner shall be entitled to vote unless all charges and assessments against the interment space of said owner have been paid.

c. Proxy voting shall be permitted except that no proxy shall be valid more than 3 years following the date of said proxy.

d. Any person owning certificates of indebtedness or certificates of interest shall have one vote for each \$250.00 value thereof.

e. An organization shall have one vote for each interment space owned, except that it shall not have more than 100 votes.

8. N. J. S. 8A:3-17 is amended to read as follows:

Annual meeting; report; notice.

8A:3-17. The managers, trustees or directors of a cemetery company shall at each annual meeting report as to their activities and management and also as to the condition of the property and affairs of the cemetery company. At least 20 days prior to the occurrence of such annual meeting a notice thereof shall be placed at some prominent place at the office of the cemetery company and shall be published in a newspaper having general circulation in the county in which such cemetery company operates a cemetery.

9. N. J. S. 8A:3-21 is amended to read as follows:

Participation in litigation.

8A:3-21. The Attorney General and the cemetery board shall be necessary and indispensable parties to any litigation involving or pertaining to a cemetery company.

10. N. J. S. 8A:4-4 is amended to read as follows:

Trust fund to be established by certain companies.

8A:4-4. Each and every cemetery company organized before the effective date of this act which has obtained a certificate of authority to operate a cemetery from the board, shall within 1 month following the issuance of the certificate of authority, cause to be established a custodial trust fund in a banking institution authorized by law to maintain trust accounts and having and maintaining a place of business within this State, except that where the trust funds of the cemetery company do not exceed \$50,000.00, then the cemetery company need not establish a custodial trust fund in accordance with this section but shall otherwise be subject to all other provisions of this act as well as the laws of the State of New Jersey regarding trust funds. This fund shall be called the Maintenance and Preservation Fund and shall be augmented from time to time as set forth in this act, or as ordered by the cemetery board.

11. N. J. S. 8A:4-5 is amended to read as follows:

Fees and charges to be paid into Maintenance and Preservation Fund.

8A:4-5. The cemetery company shall collect and pay into the Maintenance and Preservation Fund the following fees and charges:

a. From the proceeds in the initial sale by a cemetery company a sum equal to a minimum of 15% of the gross sales price of the lot or grave or \$25.00 per grave, whichever is greater; provided, however, that no cemetery company shall be prevented from paying into the Maintenance and Preservation Fund an amount greater than 15% of the gross sales price of the lot or grave; on resale, except upon resale made to the cemetery company in accordance with the provisions of this act, a minimum of 15% of the gross sales price of the interment space;

b. From the proceeds at the time of interment a minimum of \$10.00 for each interment;

c. A minimum of \$0.05 per square inch of surface area of the base of a memorial;

d. From the proceeds at the time of the initial sale by a cemetery company a minimum of 10% of the sale price of crypts or niches in a public mausoleum or columbarium which shall be in addition to any other funds required by law; on resale, except upon resale made to the cemetery company in accordance with the provisions of this act, a minimum of 10% of the gross sale price of the interment space;

e. Resale for purposes of subparagraphs a. and d. above shall, except for transfers to heirs or next of kin which shall be at the price set forth in an affidavit executed by the vendor and vendee, mean the selling price for interment spaces in existence at the time of transfer as had been established by the cemetery company;

f. Where prior to the effective date of this act cemetery companies were under obligation by virtue of contracts or court judgments to contribute percentages of the proceeds of land sales to trust funds for maintenance and preservation, the charges required by section 8A:4-5 (a) shall be reduced by the extent of the contribution percentages required by such prior contracts or court judgments.

12. N. J. S. 8A:4-6 is amended to read as follows:

Transfer of funds by certain companies; collection and assessment of annual care and maintenance charges.

8A:4-6. Any cemetery company which operated as such prior to the effective date of this act and which in the course of said opera-

tion had established a fund or funds for the maintenance and preservation or for the perpetual care of the cemetery shall, upon the establishment of the Maintenance and Preservation Fund, as provided in this act, transfer to and commingle with said Maintenance and Preservation Fund all of the aforesaid funds previously accrued and held in trust, except that this section shall not apply to specially designated funds held in trust as provided in this act. Where prior to the effective date of this act a cemetery company has contracted for the payment of annual care and maintenance charges, it may continue to collect such annual care and maintenance charges in accordance with the terms of said contracts. The governing body of a cemetery company may assess a reasonable annual charge against each lot and grave which was sold without any provision for maintenance and preservation on the part of the cemetery company. Said annual charge shall not be effective until such time as the New Jersey Cemetery Board shall have approved the assessment of such a charge after having reviewed all relevant financial data submitted by the cemetery company and further being satisfied that such annual charge is needed to enable the cemetery company to continue to operate.

The annual charge so levied shall be a lien on the lots and graves and no interments may be made in or any memorials installed on any lot or grave while such charge remains unpaid and arrangements are made with the cemetery company for continuing care of the lot or grave in question, provided that no lien shall be effective for any interment certified by a county welfare board to be a welfare burial.

13. N. J. S. 8A:4-12 is amended to read as follows:

Annual report of cemetery company; contents, filing; examination of company by board; expenses of examination and administration.

8A:4-12. a. Every cemetery company shall file with the New Jersey Cemetery Board on a form established by the board, an annual report showing the extent of and sources of augmentation of the maintenance and preservation fund and the manner of employment by said cemetery company of the income of the maintenance and preservation fund during the preceding year, which report shall also contain a list of the securities in which said trust funds are invested. If the report so filed is deemed inadequate to properly apprise the New Jersey Cemetery Board of the information it requires to effectively administer the provisions of this act, it shall request a supplemental report and in its discretion conduct an investigation of the operations of the cemetery company.

Officials, managers and trustees or employees of every cemetery company shall exhibit its books, papers and securities to the board when required and otherwise facilitate any examination of said company. Any cemetery official or employee may be required to testify under oath as to the conditions and affairs of the cemetery company.

b. To defray the expenses of examination and administration, each cemetery company, except any religious corporation, shall, at the time of filing its accounting and report as to its maintenance and preservation fund, but not later than 120 days after the close of the cemetery company's fiscal year, pay to the cemetery board the sum of \$1.00 per interment in excess of 25 interments for the preceding fiscal year.

c. The annual report required by this section shall be filed by the cemetery company no later than 120 days after the close of the cemetery company's fiscal year.

14. N. J. S. 8A:4-14 is amended to read as follows:

Authority to formulate plan to supplement Maintenance and Preservation Fund.

8A:4-14. If, as the result of any report required by this act, or investigation by the New Jersey Cemetery Board or otherwise, it shall appear that the Maintenance and Preservation Fund is not being maintained as herein provided, or is inadequate after applying the provisions of chapter 4 of this Title, the board may formulate a plan which will supplement the Maintenance and Preservation Fund. The effectuation of such a plan, when approved by the board, shall be deemed a mandate upon the cemetery company and its officials, and failure on their part to institute the recommended plan within 60 days following the presentation of said plan to the cemetery company by the board, shall be a violation of this act.

15. N. J. S. 8A:4-15 is amended to read as follows:

Sale of certain lands.

8A:4-15. A cemetery company may sell free from any dedication for cemetery purposes, subject to prior approval of the board, any land or interest in land which is not, in the judgment of the cemetery company, necessary or suitable for interment purposes, providing no interment has been made therein. As a further condition of any such sale, the deed of conveyance shall be required to include a perpetual prohibition on the use of the premises so conveyed for any of the purposes or uses in which cemetery companies are, by the terms of this act (N. J. S. 8A:5-3), specifically

prohibited from engaging. Not less than 15% of the proceeds of said sale shall be deposited in the maintenance and preservation fund.

16. N. J. S. 8A:5-1 is amended to read as follows:

Regulations; charges for services.

8A:5-1. The governing body of every cemetery company shall:

a. Make reasonable rules and regulations for the use, care, management and protection of the property of the cemetery company and of all lots, plots and parts thereof; for regulating the dividing marks between the lots, plots and parts thereof; for prohibiting or regulating the erection of structures upon such lots, plots or parts thereof; for preventing unsightly monuments, effigies and structures within the cemetery grounds, and for the removal thereof.

b. Fix and make reasonable charges for any acts and services rendered by the cemetery company in connection with the use, care, including endowed, annual and special care, management and protection of lots, plots and parts thereof.

17. N. J. S. 8A:5-4 is amended to read as follows:

Filing of rules, regulations and charges for services; amendments or additions; fee; statements of revenues and disbursements; keeping of records and accounts.

8A:5-4. a. The governing body of any cemetery company organized on or before the effective date of this act shall file in the office of the cemetery board the name and address of the cemetery company together with its rules, regulations and its charges for services within 90 days after the time this act takes effect. The directors of any cemetery company organized after the effective date of this act shall file in the office of the cemetery board the name and address of the cemetery company together with its rules, regulations, and its charges for services within 90 days after the date of the filing of the certificate of incorporation in the office of the Secretary of State.

b. The rules and regulations of a cemetery company may be amended or added to by the cemetery company by filing such proposed amendments or additions in the office of the cemetery board.

c. Any filing pursuant to paragraph b. above shall be accompanied by a filing fee of \$10.00 payable to the New Jersey Cemetery Board.

d. If any member of the public shall file a written complaint with the cemetery board concerning the operations or activities of any cemetery company, then the cemetery board may require of the cemetery company:

(1) A statement of the source and amount of all revenue and income. It shall not be necessary for the purposes of compliance with this paragraph that the sale of lots be reported on an individual sale basis.

(2) A detailed statement of all expenses and disbursements including deposits to trust funds. Except as otherwise specifically stated in this section, it shall not be necessary for the purposes of compliance with this paragraph to recite each such disbursement but total disbursements in specific categories shall be deemed to be sufficient compliance.

e. The board may, upon notice, by order in writing require any cemetery company:

(1) To keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business.

(2) To furnish periodically a detailed report of finances and operations in such form and containing such matters as the board may from time to time prescribe.

18. N. J. S. 8A:5-10 is amended to read as follows:

Property exempt from taxation or sale on execution; charges exempt from sales or use tax.

8A:5-10. Cemetery companies shall be exempt from the payment of any real estate taxes on lands dedicated for cemetery purposes, personal property taxes, business taxes, sales taxes, income taxes, and inheritance taxes. All annual maintenance and special care charges paid by the interment space owner to any cemetery shall be exempt from the payment of any sales or use tax.

The cemetery property of whatsoever nature of any cemetery company, and lands dedicated prior to or in accordance with this act shall be exempt from all taxes, rates or assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts due from any owner or holder of interment spaces, and their heirs, devisees or assigns shall hold the same exempt from taxation so long as the same shall remain dedicated to cemetery purposes. The aforesaid exemptions shall apply also to all land, structures, buildings, and equipment used for the operation and maintenance of said lands so dedicated.

19. N. J. S. 8A:5-20 is amended to read as follows:

Removal of interred remains.

8A:5-20. Remains interred in an interment space in a cemetery may be removed therefrom, with the consent of the cemetery company and a written consent of the owner or one of the owners of

the interment space and of the surviving spouse and children, if of full age.

C. 8A:5-23 Removal of unsightly monumentation; conditions.

20. a. The interment space owner, or owners or other interested party in any cemetery controlled, owned or operated by a cemetery company in this State shall be notified by the cemetery management prior to the removal of any unsightly monument, railing, box or other form of monumentation from the said interment space. The cemetery management shall notify the interment space owner in writing and shall secure the written consent of the said owner or owners. In the event the cemetery fails to secure such written authorization, the cemetery may then make application to the cemetery board for written consent to such removal. The board, if satisfied from the evidence presented that the monumentation is unsightly, may give written authority to the cemetery for the removal of such unsightly monumentation. Any evidence presented to the board shall contain photographic evidence of the monumentation sought to be removed. Prior to the board giving any written authority to remove an unsightly monumentation, it may require of the cemetery publication of notice of said action of removal in such manner as it may determine. Any such authority given by the board shall contain directions to the cemetery as the board deems necessary for continued monumentation of the interment space. Any interment space owner or other person whose interests are affected by any such application by a cemetery shall be afforded an opportunity to appear before the board in opposition to such application before any such authority is given by the board.

b. The cemetery management of any cemetery in this State may remove any dangerous monumentation in the cemetery subject to the conditions hereinafter set forth. Prior to any such removal the cemetery shall take photographs of the monumentation and its condition and shall retain same in the permanent records of the cemetery. Any such removal by the cemetery shall be placed on the interment space. The cemetery shall immediately notify the interment space owner, or owners or interested parties in writing as to such removal. If after a period of 6 months, the interment space owner, or owners or interested parties have not communicated with the cemetery, the cemetery may make application to the board for such relief as the board deems appropriate to protect the public interest regarding the removal of the monumentation from the interment space. Any interment space owner, or owners, or other interested parties who may claim that such a removal was

not necessary may make application to the board to review the action of the cemetery. The board, after having reviewed all of the evidence, may order such relief as it deems appropriate if it finds that such removal was unnecessary.

C. 8A:5-24 Approval for general renovation of grave areas; conditions.

21. No cemetery company shall engage in any general renovation of grave areas without the prior approval of the cemetery board in writing. The board before granting such consent may conduct a hearing and in its determination shall take into consideration the interests of the cemetery, grave owners and the general public. Before the board shall grant any consent to a renovation, the cemetery shall furnish evidence to the board as to the notification to the grave owners or other interested parties of the proposed renovation. The board may, prior to considering any such application, require notice by publication in the manner deemed to provide the maximum notice to grave owners or other interested parties. Any grave owner or other interested party may appear in opposition to any such application for such a renovation.

22. N. J. S. 8A:6-1 is amended to read as follows:

Authority to take and hold lands.

8A:6-1. A cemetery company heretofore or hereafter incorporated, may take by gift, purchase or devise and hold, lands not to exceed 250 acres in extent at any one location.

23. N. J. S. 8A:6-2 is amended to read as follows:

Exchange or lease of lands; exception.

8A:6-2. A cemetery company may exchange its lands for other lands provided no body has been interred therein. A cemetery company may lease for a term of years such parts of its lands as have not been laid out into burial plots or lots and use the proceeds of such lease to pay its debts and liabilities and to improve its cemetery. Any lease entered into pursuant to this section shall be acknowledged or proved in the office of the county recording officer and the lands and property the subject of such lease shall not be entitled to the tax and other exemptions set forth in 8A:5-10. A cemetery company shall not lease any of its lands directly or indirectly to any person or entity in any business in which a cemetery company is specifically prohibited from engaging in accordance with the terms of 8A:5-3 of this act.

24. N. J. S. 8A:6-6 is amended to read as follows:

Number of cemeteries in municipality; limitations.

8A:6-6. No more than five cemeteries shall be located or placed in any one municipality in any county of this State, except that, in any municipality of this State where the capacity of an existing cemetery is exhausted, so that no further interment spaces can be purchased, an additional cemetery may be created or placed at a distance of not less than 3 miles from any other existing cemetery in such municipality, subject to all laws or provisions thereof governing and regulating cemeteries in this State.

Not more than 3% of the area of any municipality shall be devoted to cemetery purposes.

However upon application the governing body of any municipality may by resolution waive any of the aforementioned limitations as to the number of cemeteries in the municipality or percentage of land use for cemeteries when, in its opinion, there is a public need for additional cemetery lands and that it is in the public interest to so waive any of the aforementioned limitations.

Nothing contained in this section shall prevent any cemetery company incorporated and in operation prior to the effective date hereof, and which owns lands in which interments have been made, and which obtains a certificate of authority as provided in this act from continuing to maintain and conduct its cemetery in any municipality of this State.

C. 8A:6-1.1 Application of provisions.

25. The provisions of N. J. S. 8A:6-1, 8A:6-5 and 8A:6-6 shall have application to every cemetery company, religious corporation and religious society.

26. N. J. S. 8A:7-1 is amended to read as follows:

Transfer of ownership of interment spaces.

8A:7-1. All interment spaces shall become, upon the transfer thereof in whole or in part, the sole and separate property of the person or persons named in the conveyance or certificate as transferee, his heirs, devisees and assigns. Any such conveyance or certificate of transfer issued by a cemetery company may contain a provision that the owner or owners take title subject to the rules and regulations of the cemetery company then existing and those reasonable rules and regulations that may thereafter be adopted by the cemetery company and also any other reasonable valid restrictions upon use or transfer not inconsistent with the provisions of this law.

27. N. J. S. 8A:7-3 is amended to read as follows:

Owner's right to transfer interment space; authorization required.

8A:7-3. The owner of an interment space or an interest therein in a cemetery owned by a cemetery company may, subject to the provisions of this act, transfer and convey the same or part thereof to any person or to the cemetery company having charge of the cemetery in which the interment space is situated. Before any such transfer or conveyance is made, the board of managers, directors or trustees shall authorize the same by a vote of at least three-fifths of the board at a regularly called meeting. Consent to such transfer shall not be unreasonably withheld by the cemetery company.

C. 8A:7-3.1 Maintenance of graves; condition.

28. Any grave owner, owners or interested parties shall have the right to maintain their own grave, or graves, or provide for the same service by an outside contractor without any financial obligation to the cemetery company for doing so; provided, however, that any such service rendered by the grave owner or outside contractor shall be subject to the supervision of the cemetery management to insure compliance with the rules and regulations of the cemetery.

29. N. J. S. 8A:8-3 is amended to read as follows:

Consents required for removal of bodies and sale of lands; action by court.

8A:8-3. The directors of any cemetery owning lands in which burials have been made may remove the bodies buried therein and sell such lands, or any part thereof. Before making such removal and sale the corporation shall obtain the consents in writing of the living owner or owners of the interment spaces and permits for burials in such lands, and the consents in writing of the living lineal descendants and widow or widower, if any, of the person or persons buried in such lands, or the part thereof sold. In addition to the foregoing, the corporation or society shall obtain the consent of the cemetery board in writing.

If the consents required cannot be obtained because the persons from whom they are required to be obtained cannot, upon diligent inquiry, be found, the corporation or society may apply to the Superior Court for an order for the sale thereof. The application shall show the name of the applying corporation, the location of the land sought to be sold, the names of all known persons owning plots or lots and permits for burials in such lands, and a description and map of the lands sought to be sold.

Upon proof of the facts set forth in the application, the Superior Court may make an order setting forth the nature of the application and the names of all owners of interment spaces and permits for burials in the lands sought to be sold who have not consented in writing to the sale, requiring them to show cause, at a time to be fixed by the court, why such lands should not be sold. A notice of such order shall be published in a newspaper designated by such court, for 4 successive weeks, or as the court shall direct.

At the time fixed in the order and notice, or upon such adjournment day as the Superior Court may fix, no objections in writing being made thereto or filed with such court previous thereto by the lineal descendants or widow or widower of the persons buried in such lands, such court may make an order authorizing the sale of the lands and the removal of any bodies buried therein.

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

Enforcement of act; penalties.

8A:10-1. a. The cemetery board shall have power to enforce this act, and any person violating any of its provisions or any order of the board shall forfeit and pay to the board a penalty of not less than \$25.00 nor more than \$500.00 for the first offense; not less than \$50.00 nor more than \$1,000.00 for the second offense; and not less than \$100.00 nor more than \$1,500.00 for the third and each subsequent offense.

b. In the event the offending person does not pay any penalty within the time fixed by the board, the penalty shall be sued for and recovered by and in the name of the New Jersey Cemetery Board.

31. N. J. S. 8A:10-2 is amended to read as follows:

Collection and enforcement of penalties.

8A:10-2. Any penalty imposed because of the violation of any of the provisions of this act, shall be collected and enforced by summary proceedings in a civil action pursuant to the penalty enforcement law (N. J. S. 2A:58-1 et seq.). Process shall issue at the suit of the board as plaintiff, and shall be either in the nature of a summons or warrant. If judgment be rendered for the plaintiff, the court shall cause any defendant, who refuses or neglects to pay forthwith the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for a period of not less than 10 and not exceeding 100 days.

32. N. J. S. 8A:10-4 is amended to read as follows:

Authority to refuse to grant or renew, or suspend or revoke license; notice and hearing.

8A:10-4. After notice of hearing as hereinafter provided, the board may refuse to grant or renew, or may suspend or revoke any license or certificate of authority if it determines that the applicant for or holder of such license or certificate of authority has been guilty of any of the following acts or omissions:

a. Fraud and deception in applying for a license or its renewal or in applying for a certificate of authority or in the passing of an examination provided for in this act;

b. Conviction in a court of competent jurisdiction of a high misdemeanor;

c. False or fraudulent advertising or willfully advertising in any manner which is deceptive, misleading, improbable or unethical or which is calculated to deceive the public with respect to either merchandise or services, including the offering of free services;

d. Any conduct which is of a character likely to deceive or defraud the public;

e. Engaged in fraudulent business activities; and

f. The willful, deliberate and persistent failure or refusal to comply with the terms of this act or the orders, rules or regulations of the New Jersey Cemetery Board;

g. In addition the board may refuse to grant or renew or may suspend the license of a cemetery salesman for:

(1) Chronic and persistent inebriety, or the habitual use of narcotics;

(2) Conviction of a crime involving moral turpitude; or where any licensee or applicant for a license has pleaded nolo contendere or non vult to any indictment, allegation or complaint, alleging the commission of a crime involving moral turpitude. The record of conviction or the entry of such a plea in any court of this State or any other state, or in any of the courts of the United States shall be sufficient warrant for the revocation or suspension of a license.

The board may, after hearing, upon notice, by order in writing, require any cemetery company:

a. To comply with the laws of the State, rules and regulations of the board, and any municipal ordinance relating thereto, and to conform to the duties imposed upon it thereby or by the provi-

sions of its own charter, whether obtained under general or special law of this State.

b. The board may when issuing certain of its orders of an emergent nature dispense with the notice and hearing provisions required above when it determines that it is in the interest of the public health, safety and welfare to do so and the subject matter of the order does not permit the holding of such a hearing upon notice. Any such order issued by the board pursuant to this subparagraph shall also contain a notice to the cemetery company providing that said cemetery company upon notice to the board in writing may have a hearing scheduled within 5 days of receipt of said notice to the board regarding the subject matter of the said order. The board shall then conduct such hearing in accordance with the provisions of this Title and upon conclusion thereof may modify its previous order or order such further relief as is necessary to enforce the provisions of this Title.

c. In addition to the foregoing, where a complaint has been brought against a cemetery company or a practice or procedure of the cemetery company is brought into question, the board may schedule a conference upon notice in writing to the cemetery company if the board determines that the matter may be resolved at such a conference. If the conference does not result in a resolution of the complaint or questioned practice or procedure, a hearing may then be scheduled by the board in accordance with the provisions of this Title.

33. N. J. S. 8A:10-6 is amended to read as follows:

Powers of board members; authority to apply for court order; penalty for non-compliance.

8A:10-6. a. The executive director, the chairman, any member of the New Jersey Cemetery Board or any person designated by the cemetery board or the Commissioner of Banking may administer oaths and affirmations and shall have power to issue subpoenas, to compel the attendance of any person, or the production of any books or papers necessary or incidental to any hearing before the board. Such subpoena may be served and the same witness fees paid as in cases in the County or Superior Court, as allowed by law.

b. In the event any person who has been duly served with a subpoena by the board fails or refuses to attend and testify and answer proper questions or to produce books, records, documents, papers, or other physical exhibits pursuant to the command of

said subpoena, the board is authorized to apply to the Superior Court for an order compelling compliance with the subpoena or order of the board. Failure to obey the subpoena or the order of the court in reference thereto shall, in addition to any other action that may properly be taken by the courts, carry a penalty of \$100.00 to be collected by the board as provided in chapter 9 of this act.

34. N. J. S. 8A:10-7 is amended to read as follows:

Action by board for appointment of receiver, injunctive or other relief.

8A:10-7. The board may, when deemed necessary to protect the public interest, institute an action in the name of the State on the relation of the board in the Superior Court for the appointment of a receiver, injunctive or other relief as may be necessary to protect the public interest, or to prohibit the violation of this act or the orders, rules or regulations of the board. The relief authorized by this paragraph shall not be limited or barred by the imposition of any penalties imposed by the board under chapter 10 or any other provision of this act. The receivership shall be discharged as soon as the condition which caused the suspension has been corrected.

Repealer.

35. N. J. S. 8A:8-2 is repealed.

36. There is hereby appropriated from the General State Fund to the Department of Banking for the use of the cemetery board the sum of \$25,000.00 to carry out the provisions of Title 8A, which sum shall be in addition to the fees and revenues appropriated and the expenditure thereof subject to the same conditions as provided for in section 8A:12-5.

37. Section 2 of P. L. 1954, c. 219 (C. 2A:95-3) is amended to read as follows:

C. 2A:95-3 Sale of grave marker for use as scrap metal.

2. It shall be unlawful to buy or receive for use as junk or scrap metal any grave marker, emblem, or metallic memorial marker except upon written authorization of the owner of the interment space or the organization whose name is shown on the marker or emblem.

38. This act shall take effect immediately.

Approved September 10, 1973.

CHAPTER 220

AN ACT concerning unemployment compensation and extended benefits, supplementing chapter 21 of Title 43 of the Revised Statutes, and making an appropriation.

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

1. For the purpose of providing benefits under the Extended Benefits Law, P. L. 1970, c. 324 (C. 43:21-24.11 et seq.), for weeks of unemployment beginning after the date of the enactment of this act and prior to January 1, 1974:

a. A determination that there has been a State "off" indicator ending any extended benefit period under the Extended Benefits Law shall be made without regard to the 120% requirement specified in subsection 5(d) and referred to in subsection 5(e) of P. L. 1970, chapter 324 (C. 43:21-24.11(d), (e)).

b. A determination that there has been a State "on" indicator for a week shall be made without regard to the 120% requirement specified in subsection 5(d) and referred to in subsection 5(e) of P. L. 1970, c. 324 if the rate of insured unemployment, not seasonally adjusted, under the Unemployment Compensation Law, chapter 21 of Title 43 of the Revised Statutes, for the period consisting of such week and the immediately preceding 12 weeks, equalled or exceeded 4.5%, and such extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period with respect to this State.

In the case of an individual who has a week with respect to which extended benefits are payable, if the extended benefit eligibility period does not expire before January 1, 1974, the eligibility period of such individual shall end with the thirteenth week which begins after December 31, 1973.

2. The contribution rate of each employer subject to contributions under the Unemployment Compensation Law, chapter 21 of Title 43 of the Revised Statutes, for the period beginning July 1, 1973 and ending June 30, 1974 shall be increased by 0.1% over the contribution rate otherwise established under R.S. 43:21-7(c).

3. There is hereby appropriated for the year beginning on July 1, 1973 and ending on June 30, 1974 from the unemployment compensation auxiliary fund for administrative purposes in connec-

tion with the administration of the Extended Benefits Law, P. L. 1970, chapter 324 (C. 43:21-24.11 et seq.), the sum of \$475,000.00, or so much thereof as may be required, for essential and necessary expenditures in connection therewith not provided in or by grants of the Federal Government; provided, however, that this State shall request grants from the Federal Government for all essential and necessary expenditures in connection with the administration of the Extended Benefits Law and that the Federal grants when received shall be used to reimburse the unemployment compensation auxiliary fund for moneys appropriated hereunder.

4. This act shall take effect immediately.

Approved September 10, 1973.

CHAPTER 221

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, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

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

CLAIM

DEPARTMENT OF THE TREASURY

235-100-560. DIVISION OF BUILDING AND CONSTRUCTION

Kelley's Portable Welding Company, 52 Prescott street, Jersey City, New Jersey 07304, for additional cost items incurred in connection with work involving gravity tank installation and associated work at the New Jersey State Prison Farm, Rahway, New Jersey, due to delays during construction, \$36,456.06.

2. This act shall take effect immediately.

Approved September 19, 1973.

CHAPTER 222

AN ACT to amend “An act authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of \$25,000,000.00 for facilities for the education of severely handicapped children; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election,” approved May 29, 1973 (P. L. 1973, c. 149).

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

1. Section 9 of P. L. 1973, c. 149 is amended to read as follows:

9. When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, not exceeding 6% per annum, as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

2. This act shall take effect immediately.

Approved September 26, 1973.

CHAPTER 223

AN ACT to validate the creation of certain municipal utilities authorities and certain sewerage authorities.

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

Validating act.

1. The creation within the district of a county municipal utilities authority of municipal utilities authorities and sewerage authorities by municipal ordinance finally adopted on or before October 14,

1971, the validity of which creation is not the subject of any timely action, suit or other proceeding pending on the effective date of this act, shall be valid and effectual in all respects, together with all proceedings had or taken by the governing bodies of the respective municipalities with respect to such creation, notwithstanding that the written consent of such county municipal utilities authority to such creation was not given as required by P. L. 1957, c. 183, s. 9, with respect to municipal utilities authorities, and by P. L. 1946, c. 138, s. 4, as amended, with respect to sewerage authorities, provided that such written consent of such county municipal utilities authority, which shall be subject to the rights, if any, of the holders of any bonds or other obligations of such county municipal utilities authority outstanding on the date of that consent, shall be given not later than 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 10, 1973.

CHAPTER 224

AN ACT providing for special State aid to certain school districts under certain circumstances, and supplementing chapter 58 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:58-5.6 Special State aid for children domiciled in public or private institutions.

1. Any board of education of a district in which children are domiciled in public or private institutions by referral from State or county agencies and who attend the public schools of the district may submit to the commissioner a request for special State aid to the district, in which case upon verification of the number of such students, the commissioner shall grant to the district special State aid in such amount as he shall determine in accordance with rules adopted by the State board.

2. This act shall take effect immediately.

Approved October 10, 1973.

CHAPTER 225

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

C. 56:8-2.4 Advertisement of certain merchandise.

1. It shall be an unlawful practice for a person to advertise merchandise for sale accompanied by a picture or illustration of the merchandise in an assembled condition when it is intended to be sold unassembled, unless the advertisement bears the notation that the merchandise is to be sold unassembled.

2. This act shall take effect 60 days after enactment.

Approved October 10, 1973.

CHAPTER 226

AN ACT to authorize the county of Middlesex to make permanent the appointment of Daniel DeMarco as a county park policeman in the county of Middlesex.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the county of Middlesex is authorized to make permanent the appointment of Daniel DeMarco as a county park policeman in the county of Middlesex notwithstanding his inability to meet the height requirement for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. This act shall take effect upon due adoption of a resolution of the county of Middlesex for the purpose of adopting same.

Approved October 10, 1973.

CHAPTER 227

AN ACT to amend the "Administrative Procedure Act," approved January 14, 1969 (P. L. 1968, c. 410).

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

1. Section 7 of P. L. 1968, c. 410 (C. 52:14B-7) is amended to read as follows:

C. 52:14B-7 New Jersey Administrative Code; New Jersey Register; publication; contents; standards for form; director's authority.

7. (a) The director shall compile, index, and publish a publication to be known as the "New Jersey Administrative Code," containing all effective rules adopted by each agency. The code shall be periodically supplemented or revised.

(b) The director shall publish a monthly bulletin to be known as the "New Jersey Register" setting forth: (1) the text of all rules filed during the preceding month, and (2) such notices as shall have been submitted pursuant to this act.

(c) The director may omit from the New Jersey Register or compilation any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available by the adopting agency on application thereto, and if the register or code contains a notice stating the general subject matter of the omitted rule and stating the manner in which a copy thereof may be obtained. He may include within the New Jersey Register and the New Jersey Administrative Code any document, material or information which he in his discretion may deem appropriate and convenient.

(d) At least one copy of the New Jersey Administrative Code and copies of the New Jersey Register and compilations shall be made available upon request to the Governor, the head of each principal department, the Legislative Services Agency, the State Library and to such other State agencies and public officials as the director may designate free of charge and to other persons at prices fixed by the director to cover mailing and publication costs.

(e) To facilitate uniformity in the compilation and indexing of all agency rules, the director, in collaboration with the Director of the Division of the State Library, Archives and History, shall formulate and distribute to all agencies standards for the form,

arrangement, numbering and indexing of agency rules and shall consult with each agency in the preparation of compilations of its rules.

(f) The director may determine the order in which such rules or any parts thereof are to be presented in the New Jersey Register and the New Jersey Administrative Code; he may number or renumber the parts, paragraphs and sections into which such rules may be divided; he may further divide or combine existing parts, paragraphs and sections and he may provide for appropriate digests, indices and other related material. He shall not, however, change the language of any existing rule excepting a title or explanatory caption; but he shall recommend any such changes as he may deem advisable to the administrative agency authorized to adopt such rule.

(g) The director is hereby authorized and empowered to promulgate and enforce interagency rules for the implementation and administration of this act.

2. This act shall take effect immediately.

Approved October 16, 1973.

CHAPTER 228

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 53 of P. L. 1948, c. 67 (C. 17:9A-53) is amended to read as follows:

C. 17:9A-53 Scope of article; definitions; taking interest in advance.

53. Scope of article; definitions; taking interest in advance.

A. A bank may make installment loans upon the terms and conditions prescribed by this article. A loan so made is referred to in this article as "a loan to which this article applies."

B. As used in this article,

(1) "bank" includes a national banking association having its principal office in this State and solely with respect to the making

of installment loans herein defined as a Class II loans or a property improvement loan the term "bank" includes a savings bank;

(2) "installment loan" means a loan which is required by its terms to be repaid in installments;

(3) "payment-period" means the period of time scheduled, by the terms of a loan to which this article applies, to elapse between the days upon which installment payments are required to be made on such loan; except that, in a case where installment payments are omitted pursuant to paragraph (1) of section 54, "payment-period" means the period of time scheduled to elapse between the days upon which installment payments are required to be made during that portion of the term of such loan in which no installment payment may be omitted;

(4) "net proceeds" means the difference between the full amount of a loan to which this article applies, and the amount of interest taken in advance upon such loan pursuant to this article;

(5) "person" means an individual, a corporation, a partnership and an association;

(6) "Class I loan" means a loan to which this article applies, which is not a property improvement loan;

(7) "Class II loan" means a loan to which this article applies, which is a property improvement loan;

(8) "property improvement loan" means a loan to which this article applies, the purpose of which, as represented to the bank, by the borrower, is to enable the borrower to pay the cost, in whole or in part, of modernizing, rehabilitating, altering, repairing or improving real property in which the borrower has an interest, and in connection with which the borrower files with the bank, at the time when the loan is made, either (1) a copy of the contract pursuant to which such modernizing, rehabilitating, altering, repairing or improving has been done or is to be done; or, if the borrower represents there is no such contract, (2) a statement, sworn to by the borrower, that the proceeds of the loan will be used to pay the cost, in whole or in part, of modernizing, rehabilitating, altering, repairing or improving such real property, as the case may be.

C. Except as in this section otherwise provided, a bank may make an installment loan and may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, in an amount

not exceeding the amount determined by the application of the formula $I = .11784A(P+1) \div 2N + .11784(P+1)$, in which "I" represents the maximum amount of interest which may be taken in advance; "A" represents the full amount of the loan; "P" represents the number of payment-periods contained in the period from the date of the making of the loan to and including the date of maturity of the final installment; and "N" represents, to the nearest whole number, the number of payment-periods contained in a calendar year.

D. Except as in this section otherwise provided, a bank may make an installment loan in such an amount that the net proceeds thereof shall equal a predetermined sum, and may take interest in advance upon the full amount of such loan for the period specified in subsection C of this section. The full amount of such loan shall not exceed the aggregate of the net proceeds and the amount of interest which may be taken in advance, as determined by the application of the formula $I = .11784A(P+1) \div 2N$, in which "A" represents the amount of the predetermined net proceeds and "P," "I" and "N" have the same meanings as "P," "I" and "N" in subsection C of this section.

E. When, pursuant to this article, the final installment of a loan to which this article applies is due and payable more than 3 years and 1 month subsequent to the making of such loan, a bank may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, in an amount not exceeding the amount determined by the application of the formula $I = .097168A(P+1) \div 2N + .097168(P+1)$, in which "I," "A," "P" and "N" have the same meanings as "I," "A," "P" and "N" in subsection C of this section.

F. When, pursuant to this article, the final installment of a loan to which this article applies is due and payable more than 3 years and 1 month subsequent to the making of such loan, the bank may make such loan in such amount that the net proceeds thereof shall equal a predetermined sum, and may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment. The full amount of such loan shall not exceed the aggregate of the net proceeds and the amount of interest which may be taken in advance, as determined by the application of the formula $I = .097166A(P+1) \div 2N$, in which "A" represents the amount of the predetermined

net proceeds and "P," "I" and "N" have the same meanings as "P," "I" and "N" in subsection C of this section.

G. The commissioner may prepare and distribute to such banks as shall make a request therefor, a schedule or schedules based upon the formulas contained in this section, or he may approve a subsisting schedule or schedules based upon said formulas, and interest taken in advance pursuant to such schedule or schedules shall constitute a complete compliance with this section. A copy of such schedule or schedules, certified by the commissioner, shall be evidence in all courts and places.

2. This act shall take effect immediately.

Approved October 16, 1973.

CHAPTER 229

AN ACT concerning emergency medical services, supplementing Title 26 of the Revised Statutes, and making an appropriation therefor.

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

C. 26:2K-1 Definitions.

1. For the purposes of this act:

a. "Defibrillation" means the technique in which the heart or an incoordinate contraction of the heart muscle is stimulated by a direct current electrical energy, the result of which is often the return of a normal heartbeat;

b. "Emergency rescue act" means the administration or utilization of defibrillation on patients who are pulseless, nonbreathing, and unconscious;

c. "Mobile intensive care paramedics" means personnel of volunteer or nonvolunteer first aid, rescue or ambulance squads who have been specially trained in emergency cardiac care in a training program accredited by the Commissioner of Health and who are certified by the New Jersey Board of Medical Examiners as being qualified to render the services enumerated in this act.

d. "Coronary care nurse" means a registered professional nurse who has been certified by the board of trustees of a hospital par-

ticipating in programs under this act as being qualified in emergency cardiac care.

e. "Accredited coronary care unit" shall mean a unit in a hospital staffed 24 hours a day by either residents in cardiology or internal medicine, or by a full-time cardiologist or specialist in internal medicine.

C. 26:2K-2 Approval to conduct pilot program.

2. Any hospital having an accredited coronary care unit may apply to the State Department of Health for approval to conduct a pilot program in emergency mobile intensive care procedures and emergency rescue acts in cooperation with voluntary health agencies including, but not limited to, the American Heart Association (New Jersey affiliate) and first aid, rescue or emergency squads under regulations promulgated by the commissioner. Whenever a pilot program is approved by the department, it shall utilize mobile intensive care paramedics under the direction of a physician specializing in cardiology or internal medicine who is associated with a hospital certified to participate in this program by the commissioner. No project herein authorized shall extend beyond 5 years of the effective date of this act. The commissioner shall report to the Legislature on or before January 15 of each year evaluating the effectiveness of every project herein authorized.

C. 26:2K-3 Performance of certain services by paramedics.

3. Mobile intensive care paramedics may perform any of the following enumerated medical services, providing that the paramedics are maintaining direct communication with and are taking orders from a physician or nurse qualified in emergency cardiac care who is affiliated with an accredited coronary care unit, and where a telemetered electrocardiogram is monitored:

- a. Defibrillation in a pulseless, nonbreathing and unconscious patient;
- b. The administration of intravenous saline or glucose solutions;
- c. Gastric suction by insertion of nasogastric tube;
- d. The administration of parenteral injections of lidocaine, atropine, sodium bicarbonate and such other drugs as may be authorized by the commissioner.

C. 26:2K-4 Administration of certain preparations.

4. No digitalis or digitalis preparations, or any controlled dangerous substance except as specifically provided or authorized under this act, shall be administered at any time by a mobile intensive care paramedic.

C. 26:2K-5 Liability for civil damages.

5. No physician or nurse as defined herein who in good faith gives emergency instructions to a paramedic at the scene of an emergency, and no mobile intensive care paramedic who in good faith performs any service authorized by this act, shall be liable for civil damages as a result of such instructions or service. No hospital corporation or first aid, rescue or ambulance squad participating in any project authorized by this act shall be liable for any civil damages as a result of such participation.

6. There is hereby appropriated from the General State Fund the sum of \$200,000.00, or so much thereof as may be necessary, for the purposes of this act.

C. 26:2K-6 Construction of act.

7. Nothing in this act shall be construed as interfering with any emergency training service program authorized and operated under provisions of the "New Jersey Highway Safety Act of 1971," (C. 27:5F-1 et seq.).

8. This act shall take effect immediately.

Approved October 16, 1973.

CHAPTER 230

AN ACT requiring sellers and suppliers of water to indicate on their bills in gallons the amount of water sold or supplied.

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

C. 48:19-18.1 Statement of amount of water sold or supplied.

1. Any bill or other statement presented by a person, firm, association, corporation, authority or governmental unit to a customer for water sold or supplied shall have the amount of water sold or supplied stated thereon in gallons or shall indicate thereon that 100 cubic feet of water equals 748 gallons.

2. This act shall take effect 1 year after date of enactment.

Approved October 16, 1973.

CHAPTER 231

AN ACT concerning power vessels and supplementing chapter 7 of Title 12 of the Revised Statutes.

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

C. 12:7-34.9a Operation of power vessel by nonlicensed operator; false use of operator's license; penalties.

1. a. No person shall loan a nontidal waters power vessel operator's license issued to him for use by another person, under penalty of a fine of not less than \$25.00 nor more than \$100.00.

b. No person owning or having control or custody of a nontidal waters power vessel licensed as provided by law shall allow the power vessel to be operated by a nonlicensed operator under penalty of a fine of not more than \$100.00.

c. Any person, operating a nontidal waters power vessel, who exhibits the operator's license of another whether he be licensed or not shall be subject to a fine of not less than \$200.00 or imprisonment for not more than 60 days or both.

d. Any person exhibiting the nontidal waters operator's license of another for purposes of identification in all situations other than those described in subsection c. of this section shall be subject to a fine of not less than \$25.00 nor more than \$100.00.

2. This act shall take effect immediately.

Approved October 16, 1973.

CHAPTER 232

AN ACT to amend "An act creating a commission to study the Uniform Consumer Credit Code and to make recommendations thereon and making an appropriation therefor," approved December 17, 1969 (P. L. 1969, c. 238).

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

1. Section 6 of P. L. 1969, c. 238 is amended to read as follows:

6. The commission shall make a thorough study of the effect of the adoption of the Uniform Consumer Credit Code on existing statute law, decisional law and consumer credit practice in New Jersey and shall report its findings and recommendations to the Legislature at its 1973 session. The commission shall expire on December 31, 1973.

2. This act shall take effect immediately and be retroactive to December 31, 1971.

Approved October 24, 1973.

CHAPTER 233

AN ACT to validate municipal contracts for professional services
in certain cases.

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

Validating act.

1. Any contract heretofore entered into by a municipality pursuant to a resolution of its governing body adopted in accordance with subsection (6) (b) of P. L. 1971, c. 198, s. 2 (C. 40A:11-2), for the performance of professional services in connection with the liquidation and foreclosure of certain tax sale certificates held by the municipality and perfection of title to the lands subject thereto, and the action taken pursuant thereto, is validated, ratified and confirmed notwithstanding the failure of the governing body to have caused a copy of the resolution to have been published in a newspaper as required by the above cited law, provided a copy of the resolution is so published within 14 days of the effective date of this act.

2. This act shall take effect immediately.

Approved October 24, 1973.

CHAPTER 234

AN ACT to amend and supplement the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210).

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

1. Section 1-13 of P. L. 1950, c. 210 (C. 40:69A-13) is amended to read as follows:

C. 40:69A-13 Recommendations as to number of councilmen.

1-13. (a) If the charter commission shall recommend the adoption of any of the optional forms of government set forth in articles 4, 5, 6, 7, 8, 10, 11, 12, 12A or 12B of this act, it may also specify that the municipal council shall consist of seven or nine members instead of five members as provided in said articles; or if the charter commission shall recommend the adoption of any of the optional forms of government set forth in articles 13, 14, 15 or 16 of this act, it may also specify that the council shall consist of five or seven members instead of three members as provided in said articles.

(b) If the charter commission shall recommend the adoption of any of the optional forms of government set forth in articles 5, 6, 8, 11, 12 or 12B of this act it may further specify that the municipality shall be divided into three, four, five or six wards instead of two wards as provided in said articles within the limitations hereinafter provided:

(1) where the council is to consist of five members, the municipality may be divided into three wards;

(2) where the charter commission specifies that the council shall consist of seven members, the municipality shall be divided into four wards; and

(3) where the charter commission specifies that the council shall consist of nine members, the municipality shall be divided into five or six wards.

2. Section 1-14 of P. L. 1950, c. 210 (C. 40:69A-14) is amended to read as follows:

C. 40:69A-14 Form of question for adoption of optional plan of government.

1-14. The question to be submitted to the voters for the adoption of any of the optional plans of government authorized by

articles 2 and 17 and sections 9-6 through 9-18 of article 9, govern any municipality, the voters of which have adopted this plan pursuant to this act (except that the council shall organize and elect a mayor on January 1 rather than July 1 as provided in section 9-6).

C. 40:69A-114.7 Governing body.

12B-2. Each municipality under this article shall be governed by an elected council and by an appointed municipal manager, and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

C. 40:69A-114.8 Municipality divided into wards.

12B-3. The municipality shall be divided into two wards unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality is to consist of from three to six wards.

C. 40:69A-114.9 Council, election, term.

12B-4. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Members of the council shall serve for a term of 4 years, except as hereinafter provided for those first elected, beginning on January 1 next following their election. They shall be elected at large and by ward at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections in the following manner:

(a) In a municipality having two wards and five councilmen, one councilman shall be elected from each ward and three at large.

(b) In a municipality having three wards and five councilmen, one councilman shall be elected from each ward and two at large;

(c) In a municipality having four wards and seven councilmen, one councilman shall be elected from each ward and three at large;

(d) In a municipality having five wards and nine councilmen, one councilman shall be elected from each ward and four at large;

(e) In a municipality having six wards and nine councilmen, one councilman shall be elected from each ward and three at large.

C. 40:69A-114.10 Terms of first councilmen.

12B-5. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven or nine councilmen, as provided in section 12B-4 of this article, shall be elected. The councilmen elected at large shall serve for a term

of 4 years and the councilmen elected from wards, for a term of 2 years.

C. 40:69A-114.11 Vacancies.

12B-6. Vacancies in the council shall be filled for the remainder of the unexpired term at the next general election to be held not less than 60 days after the occurrence of the vacancy. The council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected. Any person appointed to fill a vacancy shall be a member of the same political party as the prior incumbent.

6. Section 17-56 of P. L. 1950, c. 210 (C. 40:69A-205) is amended to read as follows:

C. 40:69A-205 Schedule of installation of optional plan.

17-56. The schedule of installation of an optional plan adopted pursuant to this act shall, as provided herein, take the following course:

(a) An election to submit the question of adoption of an optional plan may be held at any time in accordance with the provisions of article 1 of this act;

(b) In the event of a favorable vote of the voters at the above election, the first election of officers under the adopted plan shall take place on (1) the second Tuesday in May occurring not less than 75 days next following the adoption of one of the optional plans in municipalities adopting articles 3, 4, 9, 10, 13 or 14 of this act; (2) the second Tuesday in May occurring not less than 120 days following the adoption of one of the optional plans in municipalities adopting articles 5, 6, 11, or 12 of this act; (3) at the next general election occurring not less than 75 days next following the adoption of one of the optional plans in municipalities adopting articles 7, 12A, 15, or 16 of this act; or (4) at the next general election occurring not less than 120 days next following the adoption of one of the optional plans in municipalities adopting articles 8 or 12B of this act.

Whenever a municipality has adopted any of the articles referred to in subsection (3) above, within 10 days, or subsection (4) within 40 days, prior to the last day fixed for the filing of nominating petitions for the primary election, the candidates to be first elected shall be nominated in the manner provided by chapter 27 of Title 19 of the Revised Statutes with respect to the filling of certain vacancies in nominations for county or municipal offices to be filled at the general election.

(c) An optional plan shall take effect, in accordance with the further provisions of this article at (1) 12 o'clock noon on July 1 next following the first election of officers in municipalities adopting articles 3 through 6, inclusive, or 9, 10, 11, 12, 13 or 14, of this act, or (2) 12 o'clock noon on January 1 next following the first election of officers in municipalities adopting articles 7, 8, 12A, 12B, 15 or 16 of this act.

7. This act shall take effect immediately.

Approved October 24, 1973.

CHAPTER 235

AN ACT concerning fire districts and amending N. J. S. 40A:14-71
(P. L. 1971, c. 197).

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

1. N. J. S. 40A:14-71 is amended to read as follows:

Candidates; nominations.

40A:14-71. Candidates for membership on the board shall be nominated by verified petitions. Any such petition shall be in writing, addressed to the municipal clerk or the clerk of the board, as the case may be, stating that the signers thereof are qualified voters and residents in the district and requesting that the name of the candidate be placed on the official ballot. The petition shall state the residence of the candidate and certify his qualification for membership. The candidate's consent to his nomination shall be annexed to the petition and shall constitute his agreement to serve in the event of his election. The petition shall contain the name of only one candidate, but several petitions may nominate the same person. Each petition shall be signed by not less than 10 qualified voters and shall be filed at least 28 days before the date of the election.

If a petition is found to be defective, either in form or substance, the municipal clerk or the clerk of the board, as the case may be, shall forthwith notify the candidate to cause it to be corrected before the petition is given consideration.

2. N. J. S. 40A:14-72 is amended to read as follows:

Determination as to money to be raised.

40A:14-72. An election shall be held annually in each fire district for the election of members of the board according to the expiration of terms. The date, time and place of the election shall be determined by the board and a notice thereof, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board, shall be published at least once in a newspaper circulating in the district at least 6 weeks prior to the date fixed for the election.

The legal voters thereat shall determine the amount of money to be raised for the ensuing year and determine such other matters as may be required.

3. This act shall take effect immediately.

Approved October 24, 1973.

CHAPTER 236

AN ACT to amend the "Mortuary Science Act," approved June 18, 1952 (P. L. 1952, c. 340).

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

1. Section 20 of P. L. 1952, c. 340 (C. 45:7-51) is amended to read as follows:

C. 45:7-51 Reexamination of certain applicants.

20. If an applicant fails to pass the examination, he may be re-examined at the next or any subsequent regular examination.

2. This act shall take effect immediately.

Approved October 24, 1973.

CHAPTER 237

AN ACT concerning pensions and providing for pensions to certain public employees.

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

1. Any public employee who is over the age of 66 years, having served more than 26 years in public service, over 22 years of which as an employee of the State, and who has become permanently disabled as the result of a physical injury or injuries incurred in the performance of his duties with the State, shall be retired, upon application therefor, and at his election shall receive from the State a pension for the remainder of his life of 33 $\frac{1}{3}$ % of the compensation he received in the last year of his employment, or the actuarial equivalent thereof in a lesser pension payable throughout his life and upon his death to his widow to whom he was married prior to his obtaining 50 years of age, for the remainder of her life.

2. Any pension payable under this act to a retired employee shall be in lieu of the pension which would accrue to the said employee or his beneficiary under any retirement system established by the State.

3. The payment of pensions granted pursuant to this act shall be provided for in the budget of the State. If the State was contributing to a retirement system on behalf of said employee, the adoption of the provisions of this act and the payment of pension provided hereunder shall be considered a discharge of the employer's liability to the retirement system with respect to such employee so that a credit for the discharge of such liabilities shall be reflected in the subsequent valuations of the State's liabilities under the retirement system for all other employees.

Upon the employee's acceptance of the pension granted pursuant to this act and as a condition therefor, the employee shall pay over to the State the value of his contributions and interest which was credited to his account in any retirement system established by the State in order to defray part of the cost of the pension to be paid by the employer.

4. For the purposes of this act the term "public employee" shall be deemed to mean and include a person who holds or has held an office, position or employment in State Government.

5. This act shall take effect immediately.

Approved November 7, 1973.

CHAPTER 238

AN ACT to amend "An act creating a temporary State Commission of Investigation; prescribing its functions, powers and duties; making an appropriation therefor," approved September 4, 1968 (P. L. 1968, c. 266).

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

1. Section 20 of P. L. 1968, c. 266 is amended to read as follows:

20. This act shall take effect immediately and remain in effect until December 31, 1979.

2. This act shall take effect immediately.

Approved November 13, 1973.

CHAPTER 239

AN ACT to incorporate borough of Fairfield in the county of Essex to resolve and ratify and confirm certain proceedings and actions taken heretofore and subsequent to June 8, 1964 by the township of Fairfield, in the county of Essex in the name of and as borough of Fairfield provided said proceedings and actions were in all respects lawful save as to the name and corporate status of the said municipality and to repeal chapter 107 of the laws of 1964.

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

Private act.

1. All that portion of the county of Essex heretofore known and designated as the township of Caldwell, in the county of Essex, and now named the township of Fairfield, in the county of Essex, shall be and is hereby incorporated as a borough which shall be called and known by the name "borough of Fairfield."

2. The inhabitants of said borough of Fairfield shall be and they are hereby constituted and declared to be a body corporate, in fact and in law, by the name "borough of Fairfield" and shall be gov-

erned by the general law of the State relating to boroughs and by the Optional Municipal Charter Law (P. L. 1950, c. 210, C. 40:69A-1 to 40:69A-210) heretofore adopted by the former township of Caldwell, in the county of Essex, before its name was changed to the township of Fairfield, in the county of Essex.

3. All proceedings and actions taken heretofore and subsequent to June 8, 1964 by the said township of Fairfield, in the county of Essex in the name of and as the borough of Fairfield, provided said proceedings and actions are in all other respects lawful, are hereby validated, ratified, and confirmed with like effect as if there were no doubt as to the adoption of the action of the Legislature here and after referred to.

4. An act entitled "An act to incorporate the borough of Fairfield, in the county of Essex," heretofore adopted and validated June 8, 1964 and known as chapter 107 of the laws of 1964 is repealed.

5. This act shall take effect upon the due adoption of an ordinance of the township of Fairfield for the purpose of adopting same.

Approved November 13, 1973.

CHAPTER 240

AN ACT to amend "An act to create a regional agency by inter-governmental compact for the continuing comprehensive coordinated regional planning for the Delaware Valley Urban Area, and defining the functions, powers and duties of such agency," approved June 18, 1966 (P. L. 1966, c. 149).

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

1. Part I, article I, section 7 of P. L. 1966, c. 149 (C. 32:27-7) is amended to read as follows:

C. 32:27-7 Duration of compact.

7. This compact shall continue in existence until December 31, 1974. Thereafter it shall continue only upon the adoption of concurrent legislation by the party states.

2. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 241

AN ACT to amend "The Gubernatorial Transition Act," approved December 2, 1969 (P. L. 1969, c. 213) and making an appropriation.

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

1. Section 4 of P. L. 1969, c. 213 (C. 52:15A-4) is amended to read as follows:

C. 52:15A-4 Services and facilities for former Governors; limitation.

4. The director is authorized to provide, upon request, to each former Governor, for a period not to exceed 6 months from the date of the expiration of his term of office as Governor, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this act to be provided to Governors-elect. Any person who was serving on the staff of the Governor immediately prior to the expiration of his term of office and is appointed to serve the former Governor pursuant to this section shall, during such employment, continue to be an employee of the State Government with all the same rights, privileges and benefits, other than with respect to the amount of his salary, as he theretofore enjoyed; any other person appointed or detailed to serve a former Governor under authority of this section shall be appointed or detailed in accordance with and shall be subject to all of the provisions of section 3 of this act applicable to persons appointed or detailed under authority of that section.

2. Section 5 of P. L. 1969, c. 213 (C. 52:15A-5) is amended to read as follows:

C. 52:15A-5 Appropriation.

5. There are hereby authorized to be appropriated to the director such funds as may be necessary for carrying out the purposes of this act to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The Governor shall include in the budget transmitted to the Legislature, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this act.

3. There is appropriated to the Division of Purchase and Property, Department of the Treasury for the purposes of the 1973-

1974 Gubernatorial transition \$50,000.00 for the expenses of the Governor and \$75,000.00 for the expenses of the Governor-elect.

4. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 242

AN ACT to create a 1974 Gubernatorial Inaugural Commission, prescribing its membership and responsibilities and making an appropriation.

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

1. A 1974 Gubernatorial Inaugural Commission is established to formulate plans for the official ceremonies incident to the inauguration of the Governor. The commission shall consist of two members of the Senate to be appointed by the President thereof, two members of the General Assembly to be appointed by the Speaker thereof, the Chief of Staff of the Department of Defense or his designee, the Superintendent of State Police or his designee, the Director of the Division of Purchase and Property or his designee and four citizens to be appointed by the Governor-elect.

All members of the commission shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties.

2. The commission shall meet and organize as soon as may be following appointment of its members at the call of the Chief of Staff, shall select a chairman from among its members and appoint such other officers from among its members or otherwise as the commission shall determine. The Director of the Division of Purchase and Property is designated as the approval officer for expenditure of funds appropriated to the commission.

3. The commission is authorized to call upon and receive from State officers, departments and agencies assistance in the planning and carrying out of the gubernatorial ceremonies and functions incident thereto.

4. There is appropriated to the Division of Purchase and Property, Department of the Treasury for the purposes of this act the sum of \$20,000.00.

5. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 243

AN ACT concerning local fiscal affairs and amending N. J. S. 40A:5-8.

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

1. N. J. S. 40A:5-8 is amended to read as follows:

Audit by director.

40A:5-8. If any local unit does not carry out the provisions of this chapter by reason of the failure of the governing body thereof to institute and complete such audit within the time provided herein, the director may, by his employees and agents or by auditors employed for that purpose, conduct an audit of the books of such local unit and such audit shall be taken to be the statutory audit of the local unit and shall be paid for by the local unit on bill rendered therefor.

For the services of the said director, or his employees or agents, or the pay of the auditors employed by him, whether permanent employees of the division or not, there shall be paid to him by the local unit for deposit in the State treasury, a per diem allowance not to exceed \$75.00 for each person for work done in connection with the audit or examination of the accounts. Said amount, if not paid when billed, shall be recoverable in an action at law.

2. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 244

AN ACT concerning the "Emergency Transportation Tax Act," approved May 29, 1961 (P. L. 1961, c. 32) and amending P. L. 1961, c. 32, P. L. 1970, c. 304 and P. L. 1972, c. 12.

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

1. Section 2 of P. L. 1961, c. 32 (C. 54:8A-2) is amended to read as follows:

C. 54:8A-2 Imposition of tax; levy; collection; payment; exemption.

2. A temporary emergency tax is hereby imposed, and shall be levied, collected and paid annually, at the rates specified in this act;

(a) upon every resident of this State, who is not a resident of another critical area state under and pursuant to its laws, upon and with respect to the entire net income as defined in this act and subject to taxation under this act, for the taxable year, derived from sources within a critical area state other than New Jersey; and

(b) Upon and with respect to the entire net income as defined in this act and subject to taxation under this act, for the taxable year, derived from sources within this State by natural persons who are not residents of this State and who are residents of another critical area state under and pursuant to the law of such state.

(c) Notwithstanding the foregoing, for taxable years beginning on or after January 1, 1972 no tax shall be payable under section 6 (c) (C. 54:8A-6 (e)) by:

(1) Any individual whose entire gross income for the taxable year is \$2,500.00 or less, provided such individual is not married nor the head of a household nor a surviving spouse;

(2) Any head of a household or surviving spouse whose entire gross income for the taxable year is \$5,000.00 or less; and

(3) Any husband or wife whose entire gross income for the taxable year, determined jointly, is \$5,000.00 or less, or the aggregate of whose gross income for the taxable year, determined separately, is \$5,000.00 or less.

2. Section 10 of P. L. 1961, c. 32 (C. 54:8A-10) is amended to read as follows:

C. 54:8A-10 Exemptions from net income.

10. (a) Each taxpayer is allowed the following exemptions with respect to net income:

For each taxpayer, \$650.00; for the taxpayer's spouse, if taxpayer does not file a joint return and if such spouse has no gross income for the eligibility year and is not a dependent of another taxpayer, an additional \$650.00; for each taxpayer who is at least 65 years of age or over at the close of his taxable year, an additional \$650.00, and for taxpayer's spouse under the same conditions and if the initial \$650.00 exemption is allowable, an additional \$650.00; for each taxpayer who is blind at the close of his taxable year, an additional \$650.00, and for taxpayer's spouse

under the same conditions and if the initial \$650.00 exemption is allowable, an additional \$650.00. Blindness shall be deemed to exist when central visual acuity in the better eye does not exceed 20/200 with correcting lenses, or when the widest diameter of the visual field subtends an angle of not more than 20 degrees;

For each dependent whose *entire* gross income for the eligibility year is less than \$750.00, or who is taxpayer's child or stepchild and has not attained age 19 at the close of the eligibility year or is a student: \$650.00.

With respect to all taxable years beginning on or after January 1, 1973, if (1) the taxpayer's gross income, as defined in section 7 of P. L. 1961, c. 32 (C. 54:8A-7), is exceeded by (2) his entire gross income by more than \$100.00, his exemptions allowed in this section shall be limited by the percentage which (1) is of (2). The manner for determining a taxpayer's entire gross income shall be provided by regulation. Such regulations may authorize the use of Federal adjusted gross income for this purpose.

(b) Husband and wife. For a husband and wife who have elected to file separate New Jersey returns on a single form pursuant to section 44 (b) of P. L. 1961, c. 32 (C. 54:8A-44 (b)), the limitation under subsection (a) of this section shall be determined by reference to (1) their total New Jersey gross incomes, and (2) the combined entire gross income of the husband and wife.

3. Section 9 of P. L. 1970, c. 304 (C. 54:8A-6.1) is amended to read as follows:

C. 54:8A-6.1 Minimum income tax on minimum taxable income of each individual.

9. In addition to the tax imposed under section 2 (C. 54:8A-2), a minimum income tax determined in accordance with the rate set forth in subsection (e) of section 6 (C. 54:8A-6) is hereby imposed for each taxable year on the minimum taxable income of every individual.

4. Section 10 of P. L. 1970, c. 304 (C. 54:8A-6.2) is amended to read as follows:

C. 54:8A-6.2 Rate of minimum income tax.

10. (a) The minimum taxable income shall be the sum of the items of tax preference, as described in subsection (b) of this section, reduced (but not below zero) by the aggregate of the following:

(1) The applicable specific deduction described in subsection (c) of this section;

(2) The tax determined under subsection (c) of section 6 (C. 54:8A-6) for the taxable year; and

(3) To the extent that the sum of the items of tax preference exceeds the applicable specific deduction described in subsection (c) of this section plus the tax described in paragraph 2 above, the amount of any net operating loss of the taxpayer, determined as provided in subsection (b) (5) of section 35 (C. 54:8A-35), which remains as a net operating loss carryover to a succeeding taxable year. In such case, however, the amount of such net operating loss used to reduce the sum of the items of tax preference shall be treated as an item of tax preference in the next succeeding taxable years, in order of time, to the extent that such net operating loss carryover reduces taxable income.

(b) For purposes of this act, the term "items of tax preference" shall mean the Federal items of tax preference, as defined in the laws of the United States, derived from or connected with New Jersey sources, for the taxable year, with the modifications as may be prescribed by regulations of the Division of Taxation which relate to income derived from or connected with New Jersey sources.

(1) The Federal items of tax preference for amortization of certified pollution control facilities shall be excluded from the computation of items of tax preference with respect to industrial waste treatment facilities and air pollution control facilities which qualify.

(2) The Federal items of tax preference with respect to depletion shall be excluded from the computation of items of tax preference.

(3) The Federal item of tax preference for capital gains shall be computed by subtracting from such tax preference item one-fifth of the net long-term capital gain deduction.

(c) Specific deduction. An amount which bears the same ratio to \$5,000.00, or \$2,500.00 in the case of a married individual filing a separate return, as his items of tax preference computed under subsection (b) of this section bear to his total Federal items of tax preference.

(d) (Deleted by amendment.) P. L. 1972, c. 12, section 3.

5. Section 9 of P. L. 1972, c. 12 (C. 54:8A-6.3) is amended to read as follows:

C. 54:8A-6.3 Tax surcharge.

9. Tax surcharge. (a) In addition to the taxes imposed by sections 6 (c) (C. 54:8A-6 (c)) and 6 (e) (C. 54:8A-6 (e)), there is hereby imposed on the income of every taxpayer for the taxable years ending after December 31, 1971 and commencing on or before December 31, 1976 a tax at the rate of 2½% of the taxes imposed under sections 6 (c) (C. 54:8A-6 (c)) and 6 (e) (C. 54:8A-6 (e)) before the deduction of any credits against tax allowable for such year except with respect to the tax credit allowed under section 16 (C. 54:8A-16).

(b) Provided, however, that for each taxable year beginning in 1971 and ending in 1972, a tentative tax shall be computed as provided in subsection (a) except that the tax imposed under section 2 (C. 54:8A-2) shall be computed in accordance with the rates set forth in subsection 6 (c) thereof; the additional tax imposed under this section for such year shall be that proportion of such tentative tax as the number of days in 1972 bears to the number of days in the entire taxable year.

(c) Provided further that for each taxable year beginning in 1976 and ending in 1977, a tentative tax shall be computed as provided in subsection (a) hereof and the additional tax imposed under this section for such year shall be that proportion of such tentative tax as the number of days in 1976 bears to the number of days in the entire taxable year.

(d) Notwithstanding the provisions of subsection (a) of this section, the tax imposed by such subsection shall not apply for taxable years ending after December 31, 1972 and commencing before January 1, 1974, provided further that for each taxable year beginning in 1972 and ending in 1973, a tentative tax shall be computed as provided in subsection (a) and the additional tax imposed under this section for such year shall be that proportion of such tentative tax as the number of days in 1972 bears to the number of days in the entire taxable year. Provided further that for each taxable year beginning in 1973 and ending in 1974, a tentative tax shall be computed as provided in subsection (a) and the additional tax imposed under this section for such year shall be that proportion of such tentative tax as the number of days in 1974 bears to the number of days in the entire taxable year.

6. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 245

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, 1974 and regulating the disbursement thereof," approved June 26, 1973 (P. L. 1973, c. 188).

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

1. There is hereby appropriated out of the General State Fund, the following:

600. DEPARTMENT OF TRANSPORTATION
63200. PUBLIC TRANSPORTATION FACILITIES
63201. RAIL AND BUS OPERATIONS

Extraordinary:

For the purpose of bus feeder service, pursuant to P. L. 1972, c. 125	\$1,000,000
For the purpose of providing bus subsidies pursuant to P. L. 1966, c. 301, as amended (C. 27:1A-1 et seq.) and P. L. 1969, c. 134, as amended (C. 27:1A-28.1 et seq.)	\$3,550,000

To the extent that the foregoing purposes of the appropriations made herein are within the purview of C. 54:8A-1 et seq. (Emergency Transportation Tax Act) said appropriations shall first be charged to the Transportation Fund established in such act.

To the extent that the foregoing purposes of the appropriations made herein are within the purview of C. 54:8A-58 et seq. (Transportation Benefits Tax Act) said appropriations shall first be charged to the Transportation Benefits Fund established in such act.

2. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 246

AN ACT concerning the authority of certain municipalities to impose certain taxes and amending the "Local Tax Authorization Act of 1970," approved December 23, 1970 (P. L. 1970, c. 326).

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

1. Section 5 of P. L. 1970, c. 326 (C. 40:48C-5) is amended to read as follows:

C. 40:48C-5 Limitation.

5. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to alcoholic beverages delivered to a taxpayer on or after January 1, 1975.

2. Section 8 of P. L. 1970, c. 326 (C. 40:48C-8) is amended to read as follows:

C. 40:48C-8 Limitation.

8. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to parking services provided on or after January 1, 1975.

3. Section 12 of P. L. 1970, c. 326 (C. 40:48C-12) is amended to read as follows:

C. 40:48C-12 Limitation.

12. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to sales of motor fuels on or after January 1, 1975.

4. Section 19 of P. L. 1970, c. 326 (C. 40:48C-19) is amended to read as follows:

C. 40:48C-19 Limitation.

19. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to services performed prior to January 1, 1971, in a calendar quarter prior to that in which the ordinance is adopted on or after January 1, 1975, but any such ordinance shall remain in effect with respect to the right of the municipality to receive reports and enforce and collect taxes due thereunder for any period prior to January 1, 1975.

5. Section 26 of P. L. 1970, c. 326 (C. 40:48C-26) is amended to read as follows:

C. 40:48C-26 Limitation.

26. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to rental for use or occupancy of commercial premises on or after January 1, 1975.

6. Section 32 of P. L. 1970, c. 326 (C. 40:48C-32) is amended to read as follows:

C. 40:48C-32 Limitation.

32. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to transactions taking place on or after January 1, 1975.

7. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 247

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, 1974, and regulating the disbursement thereof," approved June 26, 1973 (P. L. 1973, c. 188).

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

1. There is hereby appropriated out of the General Treasury, the following:

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-100. Administration—General

Extraordinary:

To reimburse appropriations from which funds were advanced in fiscal year 1973-74 to finance certain urgent life-safety and fire protection and safety renovation projects and certain critical improvements or equipment to improve patients/inmate living conditions at various State institutions \$1,921,194

2. This act shall take effect immediately.

Approved November 21, 1973.

CHAPTER 248

AN ACT concerning education, relating to pupil transportation to and from school, and supplementing chapter 39 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:39-6.1 Cost of liability insurance coverage.

1. In every contract for the transportation of pupils to and from school entered into by a board of education, the costs of furnishing the liability insurance coverage required under N. J. S. 18A:39-6 shall be based on the insurance rate applicable only to such transportation.

2. This act shall take effect immediately.

Approved November 26, 1973.

CHAPTER 249

AN ACT to provide for noncontributory pensions for certain State employees with more than 30 years' continuous service who are not otherwise eligible for pensions, supplementing Title 43 of the Revised Statutes.

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

C. 43:5A-1 Definitions.

1. For the purposes of this act:

a. "final compensation" means either (1) the average annual compensation of an employee during the last 60 months preceding the month in which the employee is retired, or (2) the average annual compensation of the employee for any 5 fiscal years of the State during the period of continuous service upon which his eligibility for a pension under this act is based, depending upon which method of computation provides the larger benefit to the employee;

b. "years of continuous service" shall be computed as the number of years and months of paid service rendered to the State of New Jersey;

c. an employee shall be deemed to be "permanently and totally disabled" when it appears not only that he is physically or otherwise incapacitated for service, but also that such incapacity will, in all reasonable probability, continue permanently.

d. the Social Security system shall not be deemed a retirement system for the purpose of determining eligibility to a pension under this act.

e. "Commission" means the State House Commission.

C. 43:5A-2 Qualifications for retirement and pension.

2. Any person may be retired and granted a pension under this act who

a. has been continuously employed by the State for at least 30 years; and

b. has reached the age of 65, or is permanently and totally disabled; and

c. is not eligible to receive a pension for said State employment under any other law of this State; and

d. was not required by law at the time of appointment or employment, or at any time thereafter, to become a member of a contributory retirement system; and

e. is not a former member of the "State Employees' Retirement System," established under chapters 14 and 15 of Title 43 of the Revised Statutes, repealed by P. L. 1954, c. 84, who did not elect to become a member of the successor "Public Employees' Retirement System" established under the "Public Employees' Retirement System Act" (P. L. 1954, c. 84; C. 43:15A-1 et seq.)

C. 43:5A-3 Amount of pension.

3. The amount of annual pension granted to a State employee retired under this act shall be equal to 1% of his final compensation multiplied by the number of years of continuous service immediately prior to his retirement, except that

if his continuous service with the State exceeds 40 years, his annual pension under this act shall not be less than $\frac{1}{4}$ of his final compensation.

C. 43:5A-4 Application for retirement; procedure; requirements.

4. a. An employee who has reached 65 years of age and is eligible for a pension under this act may retire and receive said pension by filing with the commission an application, duly attested, stating at which time subsequent thereto he desires to be retired. The commission, upon satisfactory proofs of eligibility, shall retire him

at the time specified, or at such other time within 30 days after the date so specified as it finds advisable, and shall certify to the Director of the Division of Pensions, Department of the Treasury, the date of retirement and the amount of the pension fixed in accordance with the provisions of section 3 of this act.

b. An employee who has not reached 65 years of age but is permanently and totally disabled shall, upon his own application, or the application of one acting in his behalf, or the application of the head of the department in which he is employed, be retired. Upon receipt of such application, the commission shall refer the application to the Division of Pensions so that it may be processed as are all other applications for disability retirement. Upon satisfactory proofs of eligibility, the commission shall retire said employee, and shall certify to the Director of the Division of Pensions, Department of the Treasury, the date of retirement and the amount of pension fixed in accordance with the provisions of section 3 of this act.

c. Once each year the commission may, and upon his application shall, require any person retired pursuant to subsection b. of this section who is under the age of 65 years to undergo medical examination on the same basis as is the case for all other disability retirements processed by the Division of Pensions. If the Division of Pensions shall report and certify to the commission that he is not totally incapacitated, either physically or mentally for the performance of duty, or if he is engaged in an occupation, then the amount of his pension shall be reduced to an amount which, when added to the amount of his earnings, shall not exceed the amount of the salary now attributable to his former position; except that no pension subject to the minimum for those whose service exceeds 40 years as specified in section 3 of this act shall be reduced below the minimum required thereby. If his earnings have changed since the date of his last examination, then the amount of his pension may be further altered; but the new pension shall not exceed the amount of pension originally granted. If such person while under the age of 65 years refuses to submit to at least one medical examination in any year by a physician or physicians designated by the Division of Pensions, his pension shall be discontinued until withdrawal of his refusal. Any discontinuance, reduction or other alteration of pension under this subsection shall be certified by the commission to the Director of the Division of Pensions, Department of the Treasury.

d. When a State employee eligible for retirement and pension

under this act has reached the age of 70 years, the head of the department in which he is employed shall report thereon to the commission, which shall retire said employee forthwith or at such time within 90 days thereof as it deems advisable, and shall certify to the Director of the Division of Pensions, Department of the Treasury, the date of retirement and the amount of the pension fixed in accordance with the provisions of section 3 of this act.

e. Pensions granted under this act shall be paid by the State Treasurer, upon a certificate of the Director of the Division of Pensions and warrant of the Director of the Division of Budget and Accounting; out of the amount appropriated by law for the purpose.

5. There is hereby appropriated for the purposes of this act during the fiscal year beginning July 1, 1972, the sum of \$35,000.00.

6. This act shall take effect immediately.

Approved November 26, 1973.

CHAPTER 250

AN ACT to amend the "Emergency Services Act of 1972," approved August 17, 1972 (P. L. 1972, c. 133.)

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

1. Section 8 of P. L. 1972, c. 133 (C. 52:14E-8) is amended to read as follows:

C. 52:14E-8 Council's powers and duties.

8. The council shall be authorized to perform the following functions and exercise the following powers:

a. Review, evaluate and recommend to the Legislature any necessary changes in any existing compact between this State and the Federal Government or between this State and any other state created for the purposes set forth in this act or develop such compacts where they do not exist.

b. Review, evaluate and periodically recommend changes in existing emergency master plans.

c. Encourage and coordinate comprehensive services available through private organizations and intercommunity cooperations.

d. Authorize expenditures from the fund upon approval of the Governor to provide emergency relief deemed appropriate by the council or to reimburse municipalities or counties for damages or excessive costs sustained as a result of an emergency.

e. Utilize the manpower facilities and materials of the various State departments for the purposes of this act.

2. This act shall take effect immediately.

Approved November 26, 1973.

CHAPTER 251

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 181 of P. L. 1948, c. 67 (C. 17:9A-181) is amended to read as follows:

C. 17:9A-181 Mortgage loans.

181. Mortgage loans.

A. 1. A savings bank may make or invest in mortgage loans in the manner and subject to the limitations prescribed by this section. For the purposes of this section, "mortgage loan" shall include every indebtedness secured by mortgage on real property, or on a lease of the fee of real property (in any case in which such lease is lawful security for such mortgage loan), except as otherwise provided by subsection Q of this section, and a savings bank shall be deemed to have made a mortgage loan when

(a) It lends or participates in lending money to a borrower upon the security of real property; or

(b) It acquires, by purchase or otherwise, a mortgage loan or any share or part of or interest in a mortgage loan which is not subordinate to any share or part thereof or interest therein held by any other person.

A savings bank may sell, assign or otherwise dispose of a share or part of or interest in a mortgage loan held by it to any other person.

A. 2. For all purposes of compliance with the applicable provisions and restrictions of subsections D, E, F and G of this section as to the percentage of the mortgage loan to the appraised value of the mortgaged property, and the term of and rate of amortization of such loan, the date of the acquisition by a savings bank of a mortgage loan or a share or part thereof or interest therein shall, as respects such savings bank, be deemed to be the date as of which the mortgage loan was made and the unpaid amount of the principal then due shall be deemed to be the amount of such mortgage loan.

B. No savings bank shall make a mortgage loan at any time when the total cost of acquisition by the savings bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the savings bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceeds, or by the making of such loan will exceed, 80% of its deposits. For the purposes of this subsection, principal balances owing on mortgage loans made pursuant to subsection Q (1) of this section shall, only to the extent of the unguaranteed portion of such balances, and loans made pursuant to subsection Q (2) of this section shall, only to the extent of 50% of such balances, be included in the total of all principal balances owing to the savings bank on mortgage loans.

C. Every mortgage loan shall be evidenced by a note or bond, and shall be secured by a mortgage on the fee of real property located within this State, or, if outside this State, upon the fee of real property located within 50 miles of the border of this State. Every mortgage shall be certified to be a first lien by an attorney-at-law of the state in which the real property is located, or certified or guaranteed to be a first lien by a corporation authorized to guarantee titles to land in such state. For the purposes of this section, a mortgage shall be deemed to be a first lien, notwithstanding the existence of a prior mortgage or mortgages held by the savings bank, or a lien for current taxes or assessments not due or payable at the time of the loan is made, and notwithstanding the existence of leases, building restrictions, easements, encroachments, or covenants which, in the opinion of an officer of the savings bank designated for that purpose by the board of managers, do not materially lessen the value of the real property to be mortgaged.

D. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is one or more one-family dwellings including appropriate garages or other outbuild-

ings, if any, or upon which such dwelling or dwellings, garages or outbuildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed (a) 75% of the appraised value of the real property, or 2% of the deposits of the savings bank, whichever is lesser; or (b) 80% of the appraised value of the real property, or \$35,000.00, whichever is lesser; or (c) 90% of the appraised value of the real property, or \$25,000.00, whichever is lesser, provided that the dwelling or dwellings are not more than 10 years old.

E. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is one or more two-, three-, or four-family dwellings including appropriate garages or other outbuildings, if any, or upon which such a dwelling or dwellings and appropriate garages or other outbuildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed 80% of the first \$30,000.00 of the appraised value of the real property, plus 50% of the excess, if any, of such appraised value over \$30,000.00.

F. The instrument evidencing a mortgage loan made pursuant to either subsection D or subsection E of this section shall require that

(1) interest shall be paid on such loan monthly, and that equal monthly payments be made in reduction of such loan of an annual rate equal to at least $3\frac{1}{3}\%$ of the original amount of such loan; or

(2) that a constant sum be paid monthly in an amount sufficient for current interest and for the payment of the loan in full in not more than 40 years and 1 month from the making of such loan.

G. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a building or buildings other than dwellings of the nature described in subsections D and E of this section, or upon which such other buildings are in the course of construction or are to be constructed, or when such land is paved for parking lot purposes, the amount of the mortgage loan shall not exceed 75% of appraised value of such real property. The instrument evidencing a mortgage loan made pursuant to this subsection shall require that the loan be repaid in full in not more than 25 years and 1 month from the date it is made; and (a) if the amount of such loan, when made, exceeds 50% of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least 1% of the original amount of such loan; or (b) if the amount of such loan, when made, does not exceed 50% of the appraised value of the

real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least $\frac{1}{2}\%$ of the original amount of such loan. When, however, the amount of such loan does not, when made, exceed 50% of the appraised value of such real property, and the instrument evidencing such loan requires that it be paid in full in not more than 5 years and 1 month from the date it is made, the instrument need not require that any payment be made in reduction of such loan prior to its maturity date. Notwithstanding the limitations prescribed by subsections D and E and hereinabove in this section, a savings bank may make a mortgage loan secured by a lot of land or two or more lots of land, contiguous or not, upon each of which there is a building or buildings, or upon each of which a building or buildings are in the course of construction or are to be constructed. The limitations of this section governing the term of the loan, rate of amortization, and the percentage of the mortgage loan to the appraised value of each type of building, including land, shall apply. No loan shall be made under subsections D, E, F or G hereof to any one person or on any one property if the loan shall exceed 15% of the surplus and reserves of the savings bank, or \$50,000.00, whichever is greater.

H. When the real property offered as security for a mortgage loan is of the nature described in subsection D or E of this section, and the amount of the loan does not exceed $66\frac{2}{3}\%$ of the appraised value of such real property, the instrument evidencing such loan shall be sufficient if it conforms to the requirements of either subsection F or subsection G of this section.

I. A mortgage loan may be made for the purpose of enabling a borrower to construct a building or buildings upon real property owned by him, and, in such a case, the appraised value of the real property shall include the value of the building or buildings to be constructed, but at no time shall a greater sum be advanced on account of such loan than, in the opinion of (1) the appraisers hereinafter provided for, or (2) one of such appraisers and an officer of the savings bank designated for that purpose by the board of managers, is warranted by the state of completion of the buildings in process of construction. For the purposes of compliance with the applicable requirements of subsection F or G of this section as to the term of and the rate of amortization of a loan made pursuant to this section, such loans shall be deemed to have been made when the final advance shall be made to the borrower on such loan, or 18 months from the date of the mortgage securing such loan, whichever is earlier.

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J. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are not to be used to construct a building on such land, the amount of such loan shall not exceed 40% of the appraised value of such real property. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are to be used for improvements to the land, the amount of such loan shall not exceed 75% of the appraised value of such real property. The instrument evidencing a loan made pursuant to this subsection shall require that such loan be paid in full in not more than 10 years and 1 month from the date it is made. No loan made pursuant to this subsection shall exceed \$10,000.00, or 1/10 of 1% of the deposits of the savings bank, whichever is greater; nor shall any loan be made at any time when the total of all such loans exceeds, or if the making of such loan would cause such total to exceed 1% of the deposits of the savings bank.

K. No mortgage loan shall be made except upon a written certification signed by at least two persons, each of whom shall be either a manager of the bank or an appraiser appointed by its board of managers. In the case of a mortgage loan secured by a mortgage upon real property, such certification shall state the opinion of such persons as to the value of the land and the improvements thereon or to be erected thereon and the character of such improvements. In the case of a mortgage loan secured by a mortgage upon a lease of the fee of real property, such certification shall state the opinion of such persons as to the value of the leasehold interest to be subject to the mortgage, including the leasehold interest in the improvements erected or to be erected upon the leased property and the character of such improvements. Such certification shall be filed with the records of the bank, and shall be preserved until the savings bank has no interest, as mortgagee or otherwise, in the real property.

L. Purchase money mortgage loans made by a savings bank on the sale of real property owned by it shall not be subject to the preceding subsections or to subsection P of this section, except that such loans shall be included in determining whether the total amount of mortgage loans held by a savings bank exceeds 80% of its deposits.

M. No savings bank shall make a mortgage loan secured by a mortgage upon a lease of the fee of real property unless

(1) the leased property is located within this State or, if outside this State, the leased property is located within 50 miles of the border of this State;

(2) the leased property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of such loan shall be used for the purpose of erecting improvements thereon;

(3) the mortgage securing such loan shall constitute a first lien on a lease of the fee of real property, which fee is not subject to any prior lien; the fee shall be deemed not subject to any prior lien notwithstanding the existence of liens of taxes which are not delinquent, building restrictions or other restrictive covenants or conditions, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments, which the persons signing the certificate provided for in subsection K of this section report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney-at-law of the state in which the real property is located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such state;

(4) such loan shall not exceed 66 $\frac{2}{3}$ % of the appraised value of the leasehold interest subject to the mortgage, including the leasehold interest in the improvements erected upon the mortgaged property, or to be erected thereon wholly or partly with the proceeds of the mortgage loan; and

(5) the instrument evidencing the loan shall require that payment be made on account of the principal amount of such loan at an annual rate sufficient to repay such loan not later than 1 year prior to the expiration of the lease.

N. The instrument evidencing a mortgage loan may be in such form, and may contain such provisions, not inconsistent with law, as the savings bank may choose to insert for the protection of its lien and the preservation of its interest in the real property mortgaged to it.

O. Notwithstanding the limitations prescribed by the preceding subsections or by subsection P of this section, a savings bank may

(1) for the purposes of preventing or mitigating loss, or of preserving the lien of its mortgage, or of conserving the value of the real property affected by its mortgage, (a) extend the time for the payment of principal or interest, (b) modify or waive any of the terms or conditions of the instrument evidencing a mortgage loan, (c) settle or compromise all or part of the amount due

or to grow due on a mortgage loan, (d) sell or assign the mortgage loan, or a share or part thereof or interest therein, for such consideration as it shall deem proper, and (e) advance funds for the payment of any tax, lien, charge or claim whatsoever; and

(2) make a loan in addition to an existing mortgage loan or loans held by it, upon the security of the same real property and secured by the existing mortgage or mortgages, in an amount not to exceed the difference between the balance due on the existing mortgage or mortgages and the original amount thereof, or the sum of \$10,000.00, whichever is less; provided, however, that no such additional loan shall be made which shall increase the total amount due upon such mortgages over the amount which could be loaned upon the security of such real property. Such additional loan shall be repaid in equal monthly installments, beginning within 1 year from the date of such loan, with the payments adjusted so that the additional loan shall be repaid in full either before or at the maturity of the existing mortgage. If the unexpired term of such mortgage or mortgages shall have been reduced to 10 years or less such term may be extended for an additional period of not more than 10 years. Adjustment of payments and extension of mortgage terms pursuant to this section shall comply with the provisions of subsection F, G or H of this section. If so provided in the original mortgage or a supplement or amendment thereto, persons who acquire any rights in or liens upon the mortgaged real property subsequent to the recording of the original mortgage or such supplement or amendment, as the case may be, shall hold such rights and liens subject to the prior lien of the original mortgage and such supplement or amendment, if any, as security for such additional loan; and in such case, no title certificate or insurance under subsection C of this section shall be required with respect to such additional loan.

P. Except as otherwise provided by this section, no savings bank shall make a mortgage loan if the making of such loan would cause the total of all unpaid balances of such loans held by the savings bank upon the security of the same real property or leasehold, to exceed the limitations imposed by this section upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

Q. A savings bank may invest in

(1) (a) veterans' loans, wherever located, made pursuant to Title III of the Act of Congress of June 22, 1944, known as the "Servicemen's Readjustment Act of 1944," as amended, supple-

mented, revised, or recodified from time to time, which the Administrator of Veterans' Affairs or other officer or agency which succeeds to his powers and functions under said act has insured or guaranteed or has made a commitment to insure or guarantee, to the extent and in the manner provided in said act or the regulations made thereunder; and

(b) veterans' loans, wherever located, made and insured or guaranteed in part as provided in paragraph (1) (a) of this subsection of this section, and, as to the balance thereof, insured or guaranteed by an insurer or guarantor named or described in paragraph (2) of this subsection of this section.

(c) the provisions and restrictions contained in this section, except those relating to the percentage of the mortgage loan to the appraised value of the real property, the location of the real property, the term of the loan and the rate of amortization, shall apply to investments made pursuant to paragraph (1) of this subsection of this section, provided however that said loans and investments shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

(2) (a) mortgages or deeds of trust or other securities of the character of mortgages which are first liens on the fee of real property or a lease of the fee of real property, wherever located, which (i) the United States, or (ii) the Federal Housing Commissioner under the Act of Congress of June 27, 1934, known as the "National Housing Act," as amended, supplemented, revised or recodified from time to time, or other officer or agency which succeeds to his powers and functions, or (iii) the State of New Jersey or an officer or agency thereof, or (iv) any other officer or agency of the United States or of this State which the commissioner shall have approved for the purposes of this section as an insurer or guarantor, has fully insured or guaranteed or made a commitment to fully insure or guarantee.

(b) mortgages or deeds of trust or other securities made pursuant to paragraph 2 (a) of this subsection of this section shall not be subject to the provisions and restrictions of this section, except that they shall be included in determining whether total mortgage investments are within the limitation prescribed by subsection B of this section, provided, however, that said mortgages or deeds of trust or other securities shall be not subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

R. The commissioner may, from time to time, with the concurrence of the banking advisory board, make, alter and rescind regulations:

(1) authorizing savings banks to make mortgage loans or specified types or classes of mortgage loans (a) which exceed the specified percentages of the appraised value of the mortgaged property; (b) which mature later than the specified periods from their date; (c) which require smaller annual payments on account of the principal amounts thereof than those specified in this section; and (d) which provide for equal monthly payments each applicable to principal and interest in amounts sufficient to pay current interest on and to repay the amount of the loan in such number of years more than 40, but not more than 45, as the regulation may specify;

(2) increasing the percentage of deposits of savings banks which savings banks may invest in mortgage loans;

(3) increasing the percentage of principal balances owing on mortgage loans referred to in subsection Q, which shall not be included in the total of all principal balances owing on mortgage loans for the purpose of subsection B, or eliminating entirely the principal balances owing on such mortgage loans from such total of all principal balances.

2. This act shall take effect immediately.

Approved November 26, 1973.

CHAPTER 252

AN ACT concerning the return of unearned premiums upon cancellation of insurance, amending the "Insurance Premium Finance Company Act," approved June 30, 1968 (P. L. 1968, c. 221) and supplementing subtitle 3 of Title 17 of the Revised Statutes.

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

C. 17:29C-4.1 Return of unearned premiums upon cancellation of insurance.

1. Whenever an insurance policy or contract is canceled, the insurer on notice thereof shall return to the insured, within a reasonable time not to exceed 60 days of cancellation or notice whichever occurs last, on a short rate basis the amount of gross unearned premiums paid.

2. Section 14 of P. L. 1968, c. 221 (C. 17:16D-14) is amended to read as follows:

C. 17:16D-14 Application of unearned premiums.

14. Application of unearned premiums. (a) Whenever a financed insurance contract is canceled, the insurer on notice of such financing shall return whatever gross unearned premiums are due under the insurance contract to the premium finance company for the account of the insured or insureds within a reasonable time, not to exceed 60 days after the effective date of cancellation, or 60 days after the completion of any payroll audit necessary to determine the amount of premium earned while the policy was in force. Such audit shall be performed within 30 days after the effective date of cancellation.

(b) In the event that the crediting of return premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company shall refund such excess to the insured provided that no such refund shall be required if it amounts to less than \$1.00.

3. This act shall take effect immediately.

Approved November 26, 1973.

CHAPTER 253

AN ACT to authorize the borough of Lindenwold in the county of Camden to make permanent the appointment of John Davenport and Frederick Wolcott to the police department of the borough of Lindenwold.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Lindenwold in the county of Camden is authorized to make permanent the appointment of John Davenport and Frederick Wolcott to the police department of the borough of Lindenwold notwithstanding their ages are greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Lindenwold for the purpose of adopting same.

Approved November 26, 1973.

CHAPTER 254

AN ACT concerning contractors licensed by the State.

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

C. 45:1-8 Application of act.

1. The provisions of this act apply to the following classes of contractors:

a. Tree experts, certified pursuant to P. L. 1940, c. 100 (C. 13:1-28 et seq.);

b. Home repair contractors, licensed pursuant to P. L. 1960, c. 41 (C. 17:16C-62 et seq.);

c. Electrical contractors, licensed pursuant to P. L. 1962, c. 162 (C. 45:5A-1 et seq.);

d. Master plumbers, licensed pursuant to P. L. 1968, c. 362 (C. 45:14C-1 et seq.);

e. Well drillers, licensed pursuant to P. L. 1947, c. 377 (C. 58:4A-5 et seq.); and

f. Any class of contractors who hereafter are licensed by the State.

C. 45:1-9 License number required on contracts, bids, etc.

2. Any contractor licensed by the State shall indicate his license or certificate number on all contracts, subcontracts, bids and all forms of advertising as a contractor.

3. This act shall take effect immediately.

Approved November 26, 1973.

CHAPTER 255

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, 1973, and regulating the disbursement thereof," approved June 22, 1972 (P. L. 1972, c. 73).

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

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

CLAIM

DEPARTMENT OF THE TREASURY

235-100-560. DIVISION OF BUILDING AND CONSTRUCTION

M. J. Doyle, Inc., U. S. Route 130, Burlington, New Jersey 08016, for additional cost items incurred in conjunction with the Hunterdon State School Project due to delays during construction, \$183,585.06.*

2. This act shall take effect immediately.

Approved except as to the item set forth in the statement appended hereto dated November 26, 1973.

*STATEMENT ON ASSEMBLY BILL No. 1547

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 1547, at the time of signing it, this statement of the part thereof to which I object, so that such part so objected to shall not take effect.

CLAIM

DEPARTMENT OF THE TREASURY

235-100-560. DIVISION OF BUILDING AND CONSTRUCTION

M. J. Doyle, Inc. \$183,585.06

This item is reduced from \$183,585.06 to \$110,000.00.

The appropriation in this bill would provide \$183,585.06 as payment of a claim by M. J. Doyle, Inc. for additional cost items incurred in conjunction with the Hunterdon State School Project due to delays during construction.

This claim has been the subject of extensive study by the Division of Building and Construction in the Department of the Treasury, the State agency which reviews construction contracts. In addition, several meetings were held between representatives of M. J. Doyle, Inc. and the Division of Building and Construction, seeking to resolve the differences in connection with this claim. Offers and counter-offers were made for the purpose of settlement. However, no accord was reached.

I am reducing the appropriation in this bill from \$183,585.06 to \$110,000.00. This reduced amount approximates the lowest settlement figure which M. J. Doyle, Inc. was willing to accept at one point in the settlement negotiations. It is substantially more than the top offer of \$75,000.00 which was made to M. J. Doyle to settle this claim. While several items in the Doyle claim were disputed by the Division of Building and Construction, it is recognized in retrospect that several of these could be considered to be borderline. It is appropriate, therefore, that the previous offers by the State be increased to \$110,000.00.

In addition, the State was required to expend \$39,200.00 for correction of defective work discovered subsequent to the settlement discussions and, to that extent, the adjusted appropriation in this bill represents a sizable increase over any offers previously made by the State.

It is impossible to determine the amount which should be paid on this claim with 100% accuracy. There is no scientific way to resolve the differences of M. J. Doyle, Inc. and the Division of Building and Construction as to point of view or dollar amounts for particular items. I feel the \$110,000.00 appropriation which I have provided in this bill represents a fair and equitable determination of this claim based upon the existing circumstances.

CHAPTER 256

AN ACT to provide for supplementary assistance payments to the aged, blind and disabled and supplementing Title 44 of the Revised Statutes.

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

C. 44:7-85 Definitions.

1. As used in this act:

a. "Basic payment" means any supplemental security income payment made to an aged, blind or disabled person by the government pursuant to Title XVI of the Social Security Act, as amended, 42 U.S.C. 1381-1385.

b. "Commissioner" means the Commissioner of the Department of Institutions and Agencies.

c. "Eligible person" means any person meeting the State or government eligibility requirements for receipt of a basic payment, or a State supplementary payment, or both.

d. "Essential person" means any needy person residing with an eligible person who is recognized by State regulation to be essential to the well-being of the eligible person and whose needs are included in the determination of the needs of the eligible person.

e. "Federal Act" means Title XVI of the Social Security Act, as amended, 42 U.S.C. 1381-1385.

f. "Government" means the Federal Government of the United States of America and the agencies thereof.

g. "Legally liable relative" means any person designated by any law of this State as having a duty to support an eligible person or a duty to contribute to the support of an eligible person.

h. "Lien" means any legally perfected encumbrance or claim against the property or resources of an individual, authorized by Title 44 and Title 30 of the Revised Statutes.

i. "Supplemental Security Income Program" means the program established pursuant to Title XVI of the Social Security Act, as amended, 42 U.S.C. 1381-1385, which becomes effective January 1, 1974, which makes payments to eligible persons and which replaces payments formerly made under the Federal categorical assistance programs under the Social Security Act, which are known as "Old Age Assistance" (42 U.S.C. 301-306), "Aid to the Blind" (42 U.S.C. 1201-1206), and "Aid to the Permanently and Totally Disabled" (42 U.S.C. 1351-1355).

j. "Supplementary payment" means any supplementary assistance payment as defined in the Federal Act made to an aged, blind or disabled person under eligibility requirements of this State.

k. "Welfare board" means the boards established within the counties of this State for the purposes of administering the delivery of money or services to persons legally eligible for welfare assistance, whether established under the authority of R. S. 44:7-1 or pursuant to any other laws of this State.

C. 44:7-86 Eligibility for supplementary payments.

2. Any person whose income, including any basic payment, is below the public assistance standard established by the commissioner and the government pursuant to the Federal Act is eligible for supplementary payments. The existence of an essential person may be considered in determining the amount of any supplementary payment made to an eligible person.

C. 44:7-87 Duties of commissioner.

3. The commissioner shall:

a. Enter into agreements with the government to secure the administration of supplementary payments by the government for such time and upon such conditions as the commissioner may in his discretion deem appropriate.

b. Promulgate, alter and amend such rules, regulations and directory orders as are necessary and proper:

(1) to implement the terms of the agreement with the government for the administration by the government of supplementary payments; and

(2) to secure social services for eligible persons, and for such other aged, blind or disabled persons as the commissioner may designate.

c. Transfer State or welfare board funds, or both, currently appropriated for this State's participation in the Federal categorical assistance programs of "Old Age Assistance," R. S. 44:7-3 to R. S. 44:7-37, "Assistance for the Blind," P. L. 1962, c. 197 (C. 44:7-43 to 44:7-49) and "Permanent and Total Disability Assistance," P. L. 1951, c. 139 (C. 44:7-38 to 44:7-42) and any funds which may in the future be appropriated for the payment of supplementary payments, to the government in such amounts and at such times as the commissioner shall deem appropriate in order to provide for supplementary payments to eligible persons in this State.

d. Pay to the government such funds as are necessary to reimburse the government's expenses in collecting additional informa-

tion needed for the State to make eligibility determinations for medical assistance under the New Jersey Medical Assistance and Health Services Act, P. L. 1968, c. 413 (C. 30:4D-1 to 30:4D-19).

e. Require welfare boards to perform such eligibility determinations as the commissioner may deem necessary for the continuation of the New Jersey Medical Assistance Program under the New Jersey Medical Assistance and Health Services Act, P. L. 1968, c. 413. The commissioner shall pay to the counties a reasonable amount to reimburse the welfare boards for their expenses in making such eligibility determinations.

f. Assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the Federal categorical assistance programs in order to obtain the amount of each county's share of supplementary payments for eligible persons in this State based upon the number of eligible persons in the county. The assessment shall be made as of January 1, 1974 for fiscal year 1974. In the event that the assessment against welfare boards in any one year exceeds the amount actually transferred to the government for the counties' portion of supplementary payments, the commissioner shall return the excess to the welfare boards in the same proportion as that used by the commissioner in assessing the welfare boards for the fiscal year involved.

C. 44:7-88 Duties and responsibilities of welfare boards.

4. Welfare boards shall:

a. be relieved of those duties and responsibilities, under "Old Age Assistance," R. S. 44:7-3 to R. S. 44:7-37, "Permanent and Total Disability Assistance," P. L. 1951, c. 139 (C. 44:7-38 to 44:7-42), and "Assistance for the Blind," P. L. 1962, c. 197 (C. 44:7-43 to 44:7-49), that the government has assumed under the Supplemental Security Income Program and under the agreement between the government and this State. Welfare boards shall retain, to the extent determined by the commissioner, the responsibility for the performance of all the functions under the above laws that the government will not perform pursuant to the agreement between the State and the government.

b. Provide social services to those persons designated to receive such services pursuant to section 3b(2) of this act.

c. Pay to the commissioner the amount assessed by the commissioner under section 3f of this act.

C. 44:7-89 Supplementary payments not to be considered loans.

5. Supplementary payments shall not be considered a loan by the State or by the welfare boards. No requirement under Title 44 or Title 30 of the Revised Statutes relating to the pledging of property or to the reimbursement of assistance shall be imposed upon, and no liens shall be made or enforced against, a recipient of supplementary payments for the purpose of recouping any amount of such payments. No requirement of support, contribution, or legal liability therefor, may be made, placed upon, or enforced against a legally liable relative of a person receiving supplementary payments or other payments made by the welfare boards pursuant to Title 44 of the Revised Statutes. Any lien against a recipient of assistance from a welfare board to enforce an obligation, which arose prior to January 1, 1974, under the current programs of "Old Age Assistance," "Assistance for the Blind," or "Permanent and Total Disability Assistance" which is perfected on or before April 1, 1974, or any delinquency in payment due the welfare board by a legally liable relative under the current programs which has accrued prior to January 1, 1974, shall remain in full force and effect and shall be enforceable and collectible by the commissioner or by the welfare board which filed the lien.

C. 44:7-90 Eligibility for medical assistance.

6. Any person eligible for basic payments under the Federal Act, any person eligible for supplementary payments and any essential person, may be determined pursuant to regulations promulgated by the commissioner to be eligible for medical assistance under the New Jersey Medical Assistance and Health Services Act, P. L. 1968, c. 413. Any person who would be financially eligible for basic payments or supplementary payments, or both, who is in an institution and financially ineligible for such payments by reason of the lower maximum income eligibility level under the Federal Act for persons residing in institutions, shall be eligible for medical assistance under the New Jersey Medical Assistance and Health Services Act, P. L. 1968, c. 413.

C. 44:7-91 Inconsistent laws superseded.

7. All laws and parts of laws of this State inconsistent with this act are hereby deemed superseded to the extent of such inconsistency.

C. 44:7-92 Partial invalidity.

8. If any clause, sentence, paragraph, section or part of the act shall be adjudged by any court of competent jurisdiction to be

invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

9. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 257

AN ACT to amend "An act concerning the Department of Labor and Industry, to provide for the execution of some of its power and the performance of some of its duties, through a mine safety section in the Bureau of Engineering and Safety under the supervision and control of the Commissioner of Labor and Industry; to provide for the regulation of safety and health of workers and occupational conditions in the mines of the State and the protection of mining property; to empower the Commissioner of Labor and Industry to promulgate rules and regulations; to provide for safety educational programs and enforcement in the matter of mine safety and explosives; to provide for the safeguarding of workers and the welfare of the public in the use, handling, storage and transportation of explosives; to provide for an appropriation, and to repeal existing statutes" approved July 23, 1954 (P. L. 1954, c. 197).

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

1. Section 3 of P. L. 1954, c. 197 (C. 34:6-98.3) is amended to read as follows:

C. 34:6-98.3 Mine safety section.

3. Mine safety section.

a. There is hereby created within the bureau a mine safety section under the direction and general supervision of the deputy director.

b. The mine safety section shall be under the immediate supervision of a mine safety engineer, serving as section chief, who shall be responsible to the head of the bureau for the efficient, effective administration of the work of the section. The section

chief shall be assisted by and supervise such other mine safety engineers, mine safety inspectors, technicians and other employees as may be necessary to perform the work.

c. Under the direction of the head of the bureau, the section chief shall personally or by assignment to employees of the section, inspect, investigate, inquire and examine into the operation, workings, methods, safety devices and appliances, machinery, sanitation, ventilation, means of ingress and egress, means taken to protect the lives and insure the safety and health of miners, together with the causes of accidents, injuries and fatalities and means taken to comply with the law; conduct scientific tests to determine amount and condition of air together with contaminants therein or for any purpose that shall provide for the maintenance of safe, sanitary and healthful conditions; furnish such reports and do other related work as the deputy director may require.

d. Employees of the bureau shall have the power and authority, upon exhibition of official credentials, at all reasonable hours to enter and examine any part of a mine, mining plant, equipment or workings. All operators and their employees shall render all assistance necessary to facilitate such examination.

e. The mine safety engineer, serving as section chief, shall be at least 35 years of age, shall be physically able to discharge his duties and shall have at least 8 years' experience in mining, of which at least 4 years shall have been engaged in underground mining, and he shall preferably have additional experience in quarry operations, mine safety work and accident prevention. He shall be a graduate engineer from a recognized school of mines.

f. The qualifications for a mine safety engineer, other than the section chief, shall be the same, excepting that he shall have had a minimum of 6 years' experience in mining, at least 2 years of which shall have been in underground mining.

g. Mine safety inspectors shall be at least 30 years of age, shall have had at least 6 years' experience in mining and shall have graduated from a recognized high school.

h. No employee of the department shall make public, directly or indirectly to any person any knowledge or information obtained by him in the exercise of his official duties concerning ores, ore bodies or values of any mine or part thereof. Any employee who shall violate any of the provisions of this paragraph shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or imprisonment

in the county jail not to exceed 1 year, or both, and shall be dismissed from his position.

i. It shall be the duty of the bureau to cause to have inspected at least once in every 3 months, every underground mine in this State, and every other working mine at least twice each year, and oftener, if it is deemed necessary for the safety of the men employed in the mine.

j. After every inspection, the mine safety inspector shall enter forthwith in a book to be kept at the mine and designated as the "record of mine safety inspection," the portion of the mine inspected, the nature of the inspection and the dangers and defects observed. This record shall be open at all reasonable hours to the examination of the operator, any employee or the designated representative of the employees of the mine inspected. Nothing contained in or omitted from any entry in such record shall limit or affect the duty and obligation of the operator, superintendent or employee.

2. Section 4 of P. L. 1954, c. 197 (C. 34:6-98.4) is amended to read as follows:

C. 34:6-98.4 Authority and duties of commissioner.

4. Authority and duties of the commissioner.

a. The commissioner shall administer the provisions of this act and may promulgate, make, amend and repeal necessary and reasonable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the same manner. It is the policy and intent of this section that the physical plant, operations and methods of the mining industry or any part thereof including mines abandoned prior to the passage of this act and mines abandoned subsequent to the passage of this act shall be so constructed, equipped, arranged, operated, maintained and conducted in all respects as to provide for reasonable and adequate protection to the lives, health and safety of miners, others employed in the mining industry and frequenting the same, the owners of the surface of the ground above such mines and the general public, as well as the protection of property. The commissioner shall be guided by the standards and recommendations of the United States Bureau of Mines, and recognized mine safety authorities in the preparation of the rules and regulations.

b. When requested to do so, the commissioner may make tests, or have same made, to determine if any device, safeguard or

equipment may be approved for use in connection with any provisions of this act. He may charge a fee for such approval, payable by the approval applicant, in any amount commensurate with the cost to the State for making such tests or have same made, in which case he may require the applicant to pay all cost directly to the private agency making the test.

c. The commissioner shall appoint all personnel pursuant to the provisions of Title 11, Revised Statutes, and arrange for all services necessary to administer the provisions of this act. He shall arrange for operations to be conducted in branch offices located near the mining centers of the State if, in his opinion, the effectiveness of the service can be thereby improved.

d. If, upon examination or inspection, it shall appear to an inspector that a mine or part thereof is, from any cause, in a dangerous condition, or fails to comply with the provisions of this act or any rule or regulation promulgated hereunder, he shall so report to the bureau and the commissioner shall at once notify the operator in charge thereof, such notice to be in writing and to be served by copy upon the operator. Said notice shall state in detail in what particular said mine or part thereof is deemed dangerous, insecure and not in compliance with the provisions of this act, and provide a reasonable specified time to comply. The operator of said mine shall forthwith make such change in order to comply with the requirements of this act.

e. In case of any civil or criminal proceedings at law against the parties so notified, on account of loss of life or bodily injuries sustained by an employee, subsequent to such notice, and in consequence of such dangerous condition, and without an affirmative and diligent effort having been made to remedy the same to the satisfaction of the commissioner, a certified copy of the notice served by the commissioner shall be prima facie evidence of the negligence of such party or parties.

f. If it appears from a reexamination of the mine by the inspector that such changes or compliances have not been made within the time specified in such notice, and that the mine or part of such mine is still in an unlawful condition or dangerous to life, health or property and in the opinion of the commissioner, it is necessary for the protection of life, health or property that such mine or part of the mine be vacated, the commissioner shall forthwith order the cessation of the operation and working of said mine or part of mine, and order that the employees shall not be permitted

therein for any purpose other than to remedy the defects complained of, until the provisions of this act are complied with to the satisfaction of the commissioner. The operator of said mine shall forthwith obey said order.

g. If a representative of the bureau finds conditions in any mine which in his opinion are dangerous to the health and lives of employees, owners of the surface of the ground above the mine or the general public, he shall report the facts forthwith to the bureau. The commissioner shall order all workings stopped in the particular section of the mine in which the dangerous condition was found, if in his opinion such an action is necessary to preserve life and limb. Work shall not be resumed until the commissioner so authorizes.

h. The commissioner shall have the power and authority to require that every mine, pit or quarry of any operator be registered with him and that a certificate of registration be obtained before the opening of such mine, pit or quarry. The application and certificate forms shall be prescribed by the commissioner.

A certificate of registration shall expire 1 year from its effective date, unless sooner revoked or suspended by the commissioner. A certificate of registration may be renewed upon the filing of an application of renewal on a form prescribed by the commissioner. A certificate of registration shall at all times be prominently displayed at each mine, pit or quarry of the operator.

The commissioner shall have the power and authority to charge an annual registration fee of not less than \$15.00 nor more than \$50.00 for each certificate of registration issued.

3. Section 6 of P. L. 1954, c. 197 (C. 34:6-98.6) is amended to read as follows:

C. 34:6-98.6 General requirements.

6. General requirements.

a. Every operator shall comply with the provisions of this act and the rules and regulations issued thereunder and every person shall comply with such provisions that may be applicable to him.

b. Every operator before opening a new mine, pit or quarry, shall report the location of such proposed mine, pit or quarry and his name and address in writing to the commissioner and to the local governing body of the municipality in which the mine, pit or quarry is to be located, and make application in writing to the commissioner for permission to open such mine, pit or quarry.

c. Every operator shall report the location of the mine and the name and address of the owner of the surface and of the mineral

rights in writing to the commissioner and the local governing bodies involved before the commencement of operations by him.

d. Every operator abandoning or permanently discontinuing any mine, pit or quarry shall notify the commissioner and the local governing bodies involved in writing no less than 60 days prior to such abandonment or discontinuance.

e. The operator shall post at the surface entrance, or around the surface extremities of any mine, pit or quarry, appropriate conspicuous and readily legible warning notices of the existence and dangers thereof and shall also place or cause to be placed guard-rails, fences or other approved means, sufficient to prevent accidental fallings in any operating or abandoned mine, pit or quarry as the commissioner may direct.

f. The protection shall include adequate fences, when any such mine or area is declared a hazard as provided by this act, or effective and secure capping of surface access to mine workings or other protective measures which in the judgment of the commissioner are necessary to prevent injury to persons or damage to property by accidental fallings into the abandoned mine.

In any case where an abandoned mine constitutes an imminent hazard to persons and the order of the commissioner to protect such mine has not been complied with in the time specified the commissioner is authorized to take such steps as may be necessary to eliminate the imminent hazard. The operator of the mine shall reimburse the commissioner for the actual cost of whatever corrective measures have been employed in eliminating the imminent hazard. The cost of any such corrective measures, until reimbursed, shall constitute a lien on such property and the mineral rights thereto.

The provisions of subsection e. of this section shall be applicable to mines abandoned prior to the passage of this act when any such mine is declared a hazard by the municipal governing body or by the State, after public hearing, and after such protection is requested by the municipality or State.

g. It shall be the duty of the mine operator, superintendent, or any one in charge of a mine, where 10 or more men are employed, to keep at such places about the mine as may be designated by the commissioner, a stretcher and a woolen and waterproof blanket, in good condition, for use in caring for any person who may be injured at the mine. When more than 50 persons are employed, two or more stretchers with woolen and waterproof blanket shall be kept, and in all mines, a supply of first-aid equipment as may be

prescribed by the bureau shall be kept readily accessible for the treatment of anyone injured. In all mines a first-aid corps shall be organized, consisting of the foreman, shift bosses, and other employees designated by the operator or superintendent of the mine to cause the organization of such; and to procure the services of a physician or qualified first-aid instructor to instruct the members of such first-aid corps from time to time, not less than once in each calendar month, until a sufficient number of members of such corps as may be required by the bureau shall be certified by said physician or instructor to be qualified in the proper handling and treatment of injured persons before treatment by a physician.

h. Adequate medical care or attention shall be provided for all injuries arising out of and in the course of employment.

i. When considered necessary by the bureau, and so ordered by it, the operator of every underground mine shall make and maintain, or cause to be made and maintained, a reasonably accurate map of the workings of such mine. At least once in every 6 months, or oftener, if necessary, the operator or engineer of such mine shall cause to be shown, with reasonable accuracy on the map of said mine, all the excavations made therein during the time elapsed since such excavations were last shown on said map, and all parts of said mine which were worked and abandoned during said elapsed period of time shall be clearly indicated on said map, and all underground workings shall be surveyed and mapped before they are allowed to become inaccessible. Such maps shall at all times be open to examination by an inspector of the bureau.

j. No person shall disobey an order given in pursuance of the law, or do a willful act whereby the lives or health of persons working in such mines, or the security of a mine, or the machinery connected therewith, may be endangered.

k. Notices shall be placed by the superintendent, or under his direction by the mine foreman or shift boss, at the entrance of any working place deemed dangerous, and at the entrance to old or abandoned workings; and no person other than those who are authorized by the operator or superintendent, shall remove or go beyond any caution board or danger signal so placed.

l. At any mine employing 25 or more men underground, the operator shall provide, and keep in a readily accessible place, at least 2 approved portable oxygen breathing apparati in condition to be used in case of emergency; also, the operator or superintendent of such mine shall provide training and periodic drills for a mine rescue crew in the use of such apparati, fire protection methods

and rescue work all in a manner as may be required by the bureau. Tests, at least once monthly, of apparatus by the actual use thereof shall be made.

m. It shall be the duty of the superintendent of any mine, within the provisions of this act, to keep at all times in the office of the mine and in the timekeeper's office thereof, in an accessible place and subject to inspection by all workmen and persons interested in the same, at least one printed copy of this act.

n. No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with any mine.

o. Strangers and visitors shall not be allowed underground unless accompanied by the owner, official or employee deputized to accompany them.

p. No workman shall be required, without his consent, to work underground in any mine for more than 8 hours in any consecutive 24 hours, which 8 hours shall be reckoned from the time he arrives at his place of work in the mine until he leaves such place, provided that:

(a) A Saturday shift may work longer hours for the purpose of avoiding work on Sunday or changing shift at the end of the week or giving any of the men a part holiday;

(b) The said limit shall not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency, where life or property is in imminent danger, or in any case of repair work.

q. No person shall knowingly injure or destroy any equipment or machinery of any mine; nor, unless lawfully authorized to do so, obstruct or open an airway, handle or disturb any part of the machinery of the hoisting engine of the mine, open the door of a mine and neglect to close it, endanger the mine or those working therein, disobey an order given in pursuance of the law, or do a willful act whereby the lives or health of persons working in such mines, or the security of a mine, or the machinery connected therewith, may be endangered.

4. Section 7 of P. L. 1954, c. 197 (C. 34:6-98.7) is amended to read as follows:

C. 34:6-98.7 Safety.

7. Safety.

a. Every mine shall be so constructed, equipped, arranged, operated, maintained and conducted in all respects as to provide

reasonable and adequate protection to the lives, health and safety of all persons employed therein, or legally frequenting the same, the owners of the surface of the ground above the mine, the general public and to provide for the protection of property.

b. No person shall work or be permitted to work alone in an unsafe place.

c. No men shall be permitted to work in an unsafe place unless for the purpose of making it safe, and then only after proper precautions have been taken to protect the men who are doing the work.

No person shall be in solitary employment at a working face unless he is in communication with another employee at reasonable intervals as determined by the commissioner.

d. An air current sufficient to remove smoke, dust and noxious gases and to insure the safety of every employee shall be conducted along every passageway and working place in underground workings in such a manner and in accordance with the standards established by the bureau.

e. Every mine shall install and maintain approved washing, dressing and toilet facilities and every underground mine shall install and maintain approved miner's dryhouse for drying the working clothes of the miners.

f. The commissioner shall require that an underground mine, operating either through a vertical or inclined shaft, or a horizontal tunnel, and producing from stoping operations shall have not less than two approved outlets, at least 150 feet apart. Where there is no such escapement shaft or opening, work thereon must be commenced as soon as stoping begins, and must be diligently prosecuted until the escapement shaft, raise, or opening is completed and continued to and connected with the lowest workings. The subterranean workings shall connect such outlets with each other in a safe, approved manner. Such outlets shall at all times provide safe and separate passage between the subterranean workings and the surface.

g. Every mine shall be properly and sufficiently protected in an approved manner against the hazards of fire from any cause.

h. All working places and travel roads shall be, when necessary, kept timbered, barricaded, or otherwise guarded to prevent injury to any person from falling material, falling objects or fall of such person.

i. When advancing a drift, exit, level or incline toward a mine working that is suspected to be filled with water, a bore hole must be kept at least 20 feet in advance of the breast of the drive, and also, if necessary, in directions laterally from the course of the drive. Such additional precautionary measures shall be taken as may be deemed necessary by the commissioner to obviate the danger of a sudden break through of water.

j. No raise shall be allowed to approach within 10 feet of any portion of a winze or stope in which there is a dangerous accumulation of water, unless such winze or stope be first unwatered by bailing or pumping or by means of a bore from the raise.

k. In every mine where, in the opinion of the commissioners, there is danger of a sudden inrush of water, such additional raises, drifts or other working shall be constructed as are necessary to insure the escape of workmen from the lower workings, and all sumps and places for the storage of water in mines shall be so constructed as to prevent leakage as far as possible, and insure the safety of the men working below the same.

l. It shall be unlawful for any operator to impound water or to keep water impounded within any mine in which men are working below the water so impounded in such manner as to endanger the safety of such men, unless the water be impounded by a dam or dams or wall or walls approved by the bureau.

m. Every place where drilling or blasting work is being carried on in an underground mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for controlling dust.

n. Potable drinking water shall be available to employees during the working hours.

o. Approved personal protective equipment shall be worn by all employees during the course of their work as required by standards and rules and regulations of the bureau and the rules and regulations promulgated pursuant to the provisions of this act.

5. Section 14 of P. L. 1954, c. 197 (C. 34:6-98.14) is amended to read as follows:

C. 34:6-98.14 Penalties.

14. Penalties.

Any person violating any of the provisions of this act shall be liable to a penalty of not less than \$25.00 nor more than \$500.00 to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law, section 2A:58-1 of the New Jersey

Statutes. Any violation of the act by an officer, agent or employee shall also be a violation of the act by his employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature each day during which it continues, after the date given by which the violation must be eliminated in the order by the commissioner, shall constitute an additional separate and distinct offense, except during the time an appeal from said order may be taken or is pending.

The commissioner is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances.

6. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 258

AN ACT concerning disorderly persons and supplementing chapter 170 of the New Jersey Statutes.

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

C. 2A:170-25.18 Exhibition of certain motion pictures.

1. Whoever exhibits any motion picture in which any person is shown, depicted or revealed in any act of sexual conduct or sado-masochistic abuse in any outdoor theatre where the screen is visible beyond the limits of the theatre audience area, so that such motion picture may be readily seen and its content or character distinguished by normal unaided vision by a person viewing it from beyond said limits, is a disorderly person.

C. 2A:170-25.19 Definitions.

2. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification. "Sado-masochistic abuse" means flagellation or torture by or upon a human being who is nude or clad in undergar-

ments or in revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained.

C. 2A:170-25.20 Presumption as operator of premises; presumption of knowledge of exhibition.

3. a. Any employee of any person operating premises wherein a motion picture exhibition takes place in violation of section 1 of this act who is on the premises at the time of the violation shall be presumed to have been the operator of the premises.

b. The owner, lessee or operator of premises wherein a motion picture exhibition takes place in violation of section 1 of this act shall be presumed to have knowingly caused such exhibition to have been made, to have had knowledge of the nature of the motion picture exhibited, and to have known that said motion picture could have been readily seen and its content or character distinguished by normal unaided vision by a person viewing it from beyond the limits of the theatre audience area.

4. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 259

AN ACT to amend the "Worker Health and Safety Act," approved July 19, 1965 (P. L. 1965, c. 154).

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

1. Section 6 of P. L. 1965, c. 154 (C. 34:6A-6) is amended to read as follows:

C. 34:6A-6 Enforcement of act; entry and inspection.

6. The commissioner shall enforce the provisions of this act, make complaints against persons violating its provisions and prosecute violations of the same.

The commissioner shall have the power and authority, without notice or delay during regular working hours or other reasonable hours within reasonable limits and in a reasonable manner, to

enter and inspect any place of employment and all pertinent conditions, structures, machinery, apparatus, devices, equipment and materials and to question privately the owner and any employer or employee.

No person shall obstruct, hinder or delay or interfere with by force or otherwise the performance by the commissioner of any duty under the provisions of this act.

2. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 260

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 150 of P. L. 1963, c. 144 (C. 17:12B-150) is amended to read as follows:

C. 17:12B-150 Special direct reduction loans.

150. Special direct reduction loans. A special direct reduction loan shall mean a direct reduction loan made by an association in an amount exceeding 80% of the value of the real estate securing such loan; provided, however, that at such time as the balance due on such loan has been reduced to 80% or less of the appraisal, obtained at the time the loan was made, then such loan shall be considered removed from this classification for all purposes and such loan shall thereafter be treated as a direct reduction loan under the provisions of section 147 of this act. Any association may make a special direct reduction loan subject to the conditions and limitations of this section, which are as follows:

(1) The amount of any such loan, less the withdrawal value of any account in the association which may be pledged as collateral security therefor, shall not exceed the following percentages of the value of such real estate, as found by appraisal at the time such loan is granted: Where the value is up to \$40,000.00, 90%; and where the value is \$40,000.00 or over 80%; provided, however, where

mortgage guaranty insurance is issued incident to such loan pursuant to the provisions of the Mortgage Guaranty Insurance Act, P. L. 1968, c. 248 (C. 17:46A-1 et seq.), the percentage of the value of such real estate may be 95%.

(2) The real estate securing the loan shall have been designed to be used for dwelling purposes for one to four families.

(3) No association shall make any such loan at any time that the aggregate amount of such special direct reduction loans made by an association exceeds an amount equal to 20% of its assets.

(4) No association shall make any such special direct reduction loans at any time that the aggregate amount of such association's general reserve, Federal insurance reserve, bad debt reserve and undivided profits is less than an amount equal to 3% of its assets.

(5) Except as provided by this section, special direct reduction loans shall otherwise conform to all of the terms, conditions and limitations set forth in sections 146 and 147 of this act.

2. Section 165 of P. L. 1963, c. 144 (C. 17:12B-165) is amended to read as follows:

C. 17:12B-165 Other investments, securities.

165. Other investments, securities. A State association may invest as follows:

(1) Obligations of the United States. In obligations of or guaranteed as to principal and interest by the United States of America.

(2) Federal Home Loan Bank Stock. In stock of the Federal Home Loan Bank, of which it is eligible to be a member; and in other obligations of any Federal Home Loan Bank or banks or of the Federal Home Loan Bank System.

(3) Participation in mortgage loans.

(a) In the investment in participating interests in mortgage loans. The mortgage which secures payment of any such participating interest shall be a lien upon real estate in this State used or to be used wholly or partially for dwelling purposes and shall conform with the limitations, conditions and requirements set forth in this article regulating direct reduction mortgage and straight mortgage loans, with respect to priority of lien, the percentage of such loan to be the appraised value of the mortgaged property, and the terms of repayment of such loan.

Such participating interest shall entitle the State association to share all money and other benefits derived from such mortgage loan, or incidental thereto, pro rata with, or with preference and priority over, the holder of any other participating interest therein.

(b) In addition to the participating interests in mortgage loans permitted under paragraph (a) of this subsection, any insured State association may participate in mortgage loans to the extent and under the conditions permitted by the rules and regulations adopted by the commissioner from time to time. To the extent feasible and to the extent compatible with local conditions relevant to financial and economic circumstances and the public welfare, the commissioner shall endeavor to promulgate such rules and regulations in substantial conformity with similar rules and regulations of the Federal Savings and Loan Insurance Corporation.

(4) Accounts of other associations. In accounts of any insured State association of this State and of any Federal association whose principal office is located in this State; provided, that no such investment shall be made in excess of the amount for which such account is insured by the Federal Savings and Loan Insurance Corporation.

(5) Savings banks' investments. In any investment in which savings banks of New Jersey are or shall be authorized to invest by any law of this State, other than investments which are, or which hereafter shall be, specifically designated and regulated by this act; provided, however, no funds may be invested pursuant to this subsection which are required for authorized loans to members.

(6) Loans on securities. In loans upon obligations secured by the pledge of any security designated in subsections (1) and (5) of this section; provided, that any loan made on an obligation designated in subsection (1) of this section shall not exceed the market value of the obligation pledged as collateral and any loan made on the security designated in subsection (5) of this section; shall not exceed 80% of the market value of the security pledged as collateral and provided further, that no funds may be invested pursuant to this subsection which are required for other authorized loans to members.

(7) Central and other service corporations.

(a) In the capital stock, securities, debentures or other obligations of a single corporation organized under the laws of the State of New Jersey, the entire capital stock of which corporation shall be open to, subscribed for, and issued to State associations of this State and such Federal associations that have their principal offices in this State; provided, however, that the original capital stock of such corporation shall aggregate at least \$200,000.00 from subscriptions and payments by at least 10 of the aforementioned associations; and provided further, that no association, aforementioned, may invest its funds under this subsection in an amount exceeding 5% of its assets at the time of such subscription, payment or investment, except with the approval of the commissioner.

(b) In the capital stock, securities, debentures or other obligations of any corporation organized under the laws of the State of New Jersey, if the entire capital stock of such corporation is available for purchase only by State associations of this State and such Federal associations that have their principal offices in this State; provided, however, that no association aforementioned may make any investment under this subsection in an amount exceeding 1% of its assets, except with the approval of the commissioner.

(8) Federal corporations. In the capital stock, securities, debentures or other obligations of any corporation created by Act of Congress in which such investment may be open to associations and which shall afford advantages or safeguards to associations.

(9) In any other investment in which an association is, or shall be, authorized to invest by any law of this State.

(10) Participation in loans or investments. In a participating interest in any loan or investment which an association is authorized to make.

3. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 261

AN ACT regarding district boards of elections, and amending R. S. 19:6-2.

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

1. R. S. 19:6-2 is amended to read as follows:

Application for membership; form; qualifications.

19:6-2. Any legal voter who shall have voted for 3 consecutive years in the same political party may make written application for service as a member of a district board of the municipality in which he or she resides on a form to be prepared and furnished for that purpose by such board and signed by him or her and stating thereon, under the applicant's oath, the applicant's name and address and the political party to which he or she belongs and that said applicant is of good moral character and has not been convicted of any crime involving moral turpitude and possesses the following qualifications, namely: such eyesight as will enable the applicant, with or without eyeglasses, to read nonpareil type; ability to read the English language readily; ability to add and subtract figures correctly; ability to write in a legible hand with reasonable facility; reasonable knowledge of the duties to be performed by the applicant as an election officer under the election laws of this State and such health as will permit the applicant to discharge his or her duties as such election officer. No person shall be precluded from applying to serve as a member of a district board of any municipality for failure to vote in any year such person was ineligible to vote by reason of age or residence.

2. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 262

AN ACT to relocate, fix and establish a portion of the boundary line between the borough of Freehold and the township of Freehold in the county of Monmouth.

WHEREAS, The governing bodies of the borough of Freehold and the township of Freehold in the county of Monmouth have determined, by resolution duly adopted by each governing body, that it is advisable and to the best interests of their respective municipalities that a portion of their common boundary line be relocated; and

WHEREAS, Both municipalities have requested the Legislature to enact a statute to relocate a portion of their common boundary line, as set forth and described in section one of this act; and

WHEREAS, A proper public notice of intention to apply for the passage of this act has been given by publication as required by law; now, therefore

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

Private act.

1. That a portion of the common boundary line between the borough of Freehold and the township of Freehold in the county of Monmouth be and the same is hereby relocated, fixed and established so that the following described line shall constitute such relocated boundary line:

a. Said relocated boundary line shall run along the northern property line of Helen Avenue, instead of through portions of Block 61, Lots (1), (2), and (3); Block 60, Lots (1), (2), (3), and (4); and Block 59, Lots (1), (2), (3), and (4); as those Lots are depicted upon the "Map of Boundary Line Relocations for the township of Freehold and borough of Freehold," dated February 3, 1972.

b. The above description is in accordance with a certain map entitled, "Map of Boundary Line Relocation for the township of Freehold and borough of Freehold," dated February 3, 1972, prepared by W. B. Dickerson, township Engineer of the township of Freehold, copies of which are on file in the Office of the Clerk of the borough of Freehold and in the Office of the Clerk of the township of Freehold.

2. That upon the effective date of this act, all lands now within the territorial limits of the township of Freehold lying north of the line described in section 1 hereof shall be and become part of said borough of Freehold.

3. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 263

AN ACT concerning the licensing of dogs, supplementing chapter 19 of Title 4 of the Revised Statutes and repealing section 26 of “An act for the uniform control and licensing of dogs and kennels to aid in preventing the spread of rabies, and repealing sections 4:19-10, 4:19-11, 4:19-12, 4:19-13, 4:19-14, 4:19-15, 40:52-5 and 40:52-6 of the Revised Statutes,” approved May 24, 1941 (P. L. 1941, c. 151).

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

C. 4:19-15.2a Evidence of inoculation required for license.

1. No municipal clerk or other official designated by the governing body of any municipality to license dogs therein shall grant any such license and official metal registration tag for any dog unless the owner thereof provides evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Health, Education, and Welfare, or has been certified exempt as provided by regulations of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same. The State Department of Health shall promulgate regulations providing for the recognized duration of immunity, interval of inoculation, certificate of vaccination, certificate of exemption, and such other matters related to this act.

C. 4:19-15.26 Repealed.

2. Section 26 of “An act for the uniform control and licensing of dogs and kennels to aid in preventing the spread of rabies, and repealing sections 4:19-10, 4:19-11, 4:19-12, 4:19-13, 4:19-14, 4:19-15, 40:52-5 and 40:52-6 of the Revised Statutes,” approved May 24, 1941 (C. 4:19-15.26), is repealed.

3. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 264

AN ACT concerning retail firearms dealers and amending N. J. S.
2A:151-24.

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

1. N. J. S. 2A:151-24 is amended to read as follows:

Licenses for retail dealers; standards and qualifications; fees, conditions.

2A:151-24. Licenses for retail dealers; standards and qualifications; fees, conditions. No retail dealer shall sell or expose for sale, or possess with intent to sell, any firearm, except that a retail dealer may be licensed to sell firearms as hereinafter provided.

The superintendent shall prescribe standards and qualifications for retail dealers of firearms for the protection of the public safety, health and welfare.

A judge of the county court of the county wherein the retail dealer has his place of business shall grant licenses in form prescribed by the superintendent, to applicants who meet such standards and qualifications permitting the licensee to sell firearms at retail within a specified municipality, provided that the application shall be accompanied by a fee of \$50.00 payable to the superintendent and shall be valid for a period of 3 years from the date of issuance. In addition, every retail dealer shall pay a fee of \$5.00 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for so long as the employee remains in the employ of said retail dealer.

No license shall be granted to any person under the age of 21 years or to any person who could not qualify to obtain a permit to purchase a pistol or revolver or firearms purchaser identification card under section 2A:151-33 of this chapter, or to any corporation, partnership or other business organization in which a controlling or dominating interest is held or possessed by such a person or persons.

Licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on application of any law enforcement officer and after a hearing by the issuing court.

a. The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises;

b. The license or a copy certified by the issuing authority shall be displayed in a conspicuous place on the premises in which the business is conducted where it can be easily read;

c. No firearm or imitation thereof shall be placed in any window or in any part of the premises where it can readily be seen from the outside;

d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

e. A true record of every pistol or revolver sold, given or otherwise delivered or disposed of shall be kept by the retail dealer in accordance with the provisions of sections 2A:151-25 to 2A:151-29 of this Title.

f. No rifle or shotgun shall be delivered to any person:

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. The certification shall be retained by the dealer and shall for law enforcement purposes be made available for inspection by regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staffs authorized by them, and members of the State Police.

2. This act shall take effect immediately.

Approved November 28, 1973.

CHAPTER 265

AN ACT concerning school district budgets and amending N. J. S.
18A:22-14, 18A:22-17, 18A:22-26 and 18A:22-37.

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

1. N. J. S. 18A:22-14 is amended to read as follows:

Fixing appropriations to be made; notice of appeal.

18A:22-14. At or after said public hearing but not later than on February 15, the board of school estimate of a Type I district shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the commissioner, and shall make two certificates of such amount signed by at least three members of the board, one of which shall be delivered to the board of education of the district and the other to the governing body of the district.

Within 20 days after receiving such certificate the board of education shall notify the board of school estimate and governing body of the district if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

2. N. J. S. 18A:22-17 is amended to read as follows:

Assessment, levy and collection of appropriations; notice of appeal.

18A:22-17. The governing body of the municipality shall include the amount so appropriated in its tax ordinance, and the same shall be assessed, levied and collected in the same manner as other moneys appropriated are assessed, levied and collected, but the governing body shall not be required so to appropriate any amount in excess of 1½% of the assessed valuation of the ratables of the municipality, but may do so if it so determines by resolution.

Within 20 days after the governing body of the municipality appropriates in its tax ordinance an amount for the use of the public schools of the district for the ensuing school year, the board

of education shall notify the governing body if it intends to appeal to the commissioner the amount so appropriated.

3. N. J. S. 18A:22-26 is amended to read as follows:

Type II districts with board of school estimate; determination; certification and raising of appropriations; notice of appeal.

18A:22-26. At or after said public hearing but not later than on February 15, the board of school estimate of a Type II district having a board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall be apportioned to it by the commissioner for said year and shall make a certificate of such amount signed by at least a majority of all the members of such board, which shall be delivered to the board of education and a copy thereof, certified under oath to be correct and true by the secretary of the board of school estimate, shall be delivered to the county board of taxation on or before March 1 in each year and a duplicate of such certificate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the district having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the county superintendent of schools and such amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes voted to be raised at an annual or special election of the legal voters in Type II districts and shall be paid to the custodian of school moneys of the district for such purposes.

Within 20 days after receiving such certificate the board of education shall notify the board of school estimate and governing body of each municipality within the territorial limits of the school district if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

4. N. J. S. 18A:22-37 is amended to read as follows:

Determination by municipal governing body where items rejected at second election; notice of appeal.

18A:22-37. If the voters reject any of the items submitted at the annual school election, the governing body of the municipality, or of each of the municipalities, included in the district shall, after

consultation with the board, and within 30 days after receipt of the proposed school budget from the board, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

- a. Current expenses of schools;
- b. Vocational evening schools or classes;
- c. Evening schools or classes for foreign-born residents;
- d. Appropriations to capital reserve fund; or
- e. Any capital project, the cost whereof is to be paid directly from such taxes;

which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

Within 20 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the commissioner the amounts which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

5. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 266

AN ACT concerning the civil service status of certain park police officers in the employ of any county.

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

1. Persons employed as park police officers in the employ of any county, disqualified by age from taking the civil service examina-

tions for such positions and who were continuously so employed prior to August 1, 1964 on a provisional basis shall, upon the passage of this act be placed in the classified service of the civil service; provided, however, that such persons shall be required to take the written examinations, to be conducted by the Civil Service Commission as soon as practicable. Upon passing said examinations such park police officers, so employed on a provisional basis prior to August 1, 1964, and who were so employed on the effective date of this act, shall be placed in the classified service of the civil service, with permanent status effective as of the effective date of this act.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 267

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

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

C. 18A:28-16 Operation of certain schools by State agencies; sick leave, tenure and pension rights of teaching staff members.

1. Whenever an Educational Services Commission, a Jointure Commission, the Commissioner of Education, the State Board of Education, the Chancellor, the State Board of Higher Education or the board of trustees of any State college, or any officer, board or commission under his, its or their authority shall undertake the operation of any school previously operated by a school district in this State, all accumulated sick leave, tenure and pension rights of all teaching staff members in said school shall be recognized and preserved by the agency assuming operational control of the school, and any periods of prior employment in such school district shall count toward the acquisition of tenure to the same extent as if all of such employment had been under the Educational Services Commission, Jointure Commission, the Commissioner of Education, the State Board of Education, the Chancellor, the State Board of

Higher Education or the board of trustees of any State college, as the case may be.

C. 18A:28-17 Operation of certain schools by local school districts; sick leave, tenure and pension rights of teaching staff members.

2. Whenever the local board of education of any school district in this State shall undertake the operation of any school previously operated by an Educational Services Commission, a Jointure Commission, the Commissioner of Education, the State Board of Education, the Chancellor, the State Board of Higher Education or the board of trustees of any State college, or any officer, board or commission under his, its or their authority, all accumulated sick leave, tenure and pension rights of all teaching staff members in said school, shall be recognized and preserved by the board assuming operational control of the school, and any periods of prior employment, by said Educational Services Commission, Jointure Commission, Commissioner of Education, State Board of Education or board of trustees of any State college, or any officer, board or commission under his, its or their authority, shall count toward the acquisition of tenure to the same extent as if all of such employment had been in such school district.

C. 18A:28-18 Compliance with certain notice requirements.

3. For the academic year following any transfer of operational control under section 1 or section 2 of this act, both the local school board and the Educational Services Commission, Jointure Commission, Commissioner of Education, State Board of Education, Chancellor, State Board of Higher Education or the board of trustees of a State college, as the case may be, shall comply with the notice requirements of P. L. 1971, c. 436 (C. 18A:27-10 et seq.), to the same extent as if each had been the employer of all teaching staff members of the school in question during the academic year preceding the transfer of operational control.

4. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 268

AN ACT to amend "An act to provide for the creation as bodies corporate and politic 'parking authorities' in counties and municipalities, prescribing the rights, powers, and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, empowering such authorities to enter into contracts with and to accept grants from the Federal Government, the State, political subdivisions of the State or any agency thereof, providing for exempting the property of such parking authorities from taxation; and authorizing counties and municipalities to grant financial and other aid to parking projects," approved July 2, 1948 (P. L. 1948, c. 198).

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

1. Section 6 of P. L. 1948, c. 198 (C. 40:11A-6) is amended to read as follows:

C. 40:11A-6 Powers and purposes of authority.

6. (1) Every parking authority shall constitute a public body corporate and politic and a political subdivision of the State with the same territorial boundaries as the boundaries of the municipality or county creating the authority, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate its corporate purposes and the purposes and provisions of this act.

(2) The purposes of every parking authority shall be the construction, provision or operation of off-street parking projects within its area of operation and, subject to the provisions of R. S. 39:4-202, shall include, to the extent authorized by the governing body of the municipality, the management and operation of on-street and other parking meters and related facilities and enforcement of the applicable law, ordinances and regulations as to the parking of vehicles in such municipality, and the consequent promotion of free movement of traffic and relief of traffic congestion on the streets of said area or municipality and improvement of conditions affecting the public safety and welfare therein.

(3) Every parking authority is hereby authorized to plan, design, construct, reconstruct, enlarge, improve, manage, maintain, repair, operate and use such parking project or projects as in the opinion of the authority will provide an effective and satisfactory method for promoting the purposes of the authority.

(4) Every parking authority shall have perpetual succession and have the following powers in addition to any others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

(b) To conduct research respecting parking and the possibility or necessity of fulfillment of public needs in relation thereto.

(c) To acquire by gift, purchase, lease, devise or otherwise and hold and use, and to construct, improve, maintain, operate, own, manage, or lease either in a capacity of lessor or lessee parking projects and any land, franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, meters, equipment or facilities to be devoted to the parking or storage of vehicles of any kind or which in the opinion of the authority are necessary or useful and convenient in connection therewith or with the promotion of free movement of traffic, subject to the provisions of R. S. 39:4-202.

(d) Subject to the provisions of paragraph 5 of this section, to lease as lessor any real property, parking project or portion or portions of parking projects for any business, commercial or other use to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon. Any such lease may be upon condition that the lessee shall or may construct or provide any building or buildings or other facilities on such real property, parking project or projects or portions thereof, including space for business, commercial or other uses, all upon such terms and conditions as may be agreed upon.

(e) To sell, transfer and dispose of any property or interest therein at any time acquired by it upon such terms and conditions as it may determine, with or without public bidding.

(f) To fix, alter, charge and collect rents, rates and other charges at reasonable rates to be determined exclusively by it, for the use of the facilities and projects of the authority and for all services

sold, furnished or supplied directly or indirectly by the authority through said facilities and projects, which shall, together with any grants, receipts, contributions or income from other sources, be sufficient to provide for the payment of the expenses of the authority, repair, maintenance and operation of its facilities and projects, and payment of the principal of and interest on, and any premiums upon the redemption of, its bonds and other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds or other obligations.

(g) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control.

(h) To borrow money and accept grants from and to enter into contracts, leases or other transactions with the State of New Jersey, any Federal agency, any person, or any municipality, county or other public body.

(i) To mortgage, pledge, hypothecate or otherwise encumber all or any of its property or assets then existing or thereafter acquired or coming into existence, including real and personal property donated to it by a municipality or county.

(j) To enter into contracts with the State of New Jersey or any municipality, county or governmental agency for the use of any project of the authority.

(k) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contract with any person.

(l) To enter into and perform any and all contracts, execute any and all instruments, and do and perform any and all acts and things necessary or useful and convenient for the purposes of the authority or to carry out any of the powers expressly granted to it by this act or any other acts.

(5) No parking authority shall engage directly in the sale of gasoline or accessories for, or in the repair or other servicing of, automobiles and other motor vehicles except in emergency, or shall engage directly in the sale of any commodity of trade or commerce, but any authority may include in any parking project, and provide and lease as lessor, structures, buildings, space or accommodations (whether constructed by the authority or by a lessee) for any business, commercial or other use, including the sale of gasoline or accessories for, or the repair or other servicing of, automobiles

and other motor vehicles, if, in the opinion of the authority, such inclusion, provision and proposed leasing is necessary to assist in defraying the expenses of the authority and make possible the operation of the parking facilities of such project at reasonable rates and will increase the facilities for off-street parking which can be feasibly included, financed, constructed and operated as part of such project.

2. Section 22 of P. L. 1948, c. 198 (C. 40:11A-22) is amended to read as follows:

C. 40:11A-22 Powers of municipality for which parking authority created.

22. (1) The municipality for which a parking authority shall have been created shall have the power from time to time, by or pursuant to ordinance duly adopted or by instruments or other action authorized by such an ordinance and for such period and upon such terms, with or without consideration, as may be provided in such ordinance and accepted by the authority:

(a) To pledge to the authority, and covenant and agree with the authority to pay to or on the order of the authority, all or any part of any funds theretofore or thereafter received by the municipality for or with respect to the parking or storage of motor vehicles, in streets or otherwise, including funds collected in parking meters located in or along streets or otherwise;

(b) To sell, lease, lend, donate, grant or convey to the authority, or permit the authority to use, maintain or operate as part of its projects or to manage, any parking project or undertaking constructed or owned by the municipality, or any meters, equipment or other real or personal property owned by the municipality, which may be necessary or useful and convenient for the purposes of the authority and accepted by the authority;

(c) To appropriate money for all or any part of the cost of acquisition or construction of any parking project of the authority and, in accordance with the limitations and any exceptions thereto and in the manner or mode of procedure prescribed by the local bond law, to incur indebtedness, borrow money and issue its negotiable bonds for the purpose of financing such project and appropriation, and to pay the proceeds of such bonds to the authority;

(d) To covenant and agree with the authority to pay to or on the order of the authority annually or at shorter intervals as a subsidy for the promotion of its purposes not exceeding such sums of money as may be stated in such ordinance;

(e) To unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the authority; and

(f) Upon authorization by it in accordance with law of the performance of any act or thing which it is empowered by law to authorize and perform and after appropriation of the moneys (if any) necessary for such performance, to covenant and agree with the authority to do and perform such act or thing and as to the time, manner and other details of its doing and performance.

(2) Any guaranty of bonds of an authority made pursuant to this section shall be evidenced by endorsement thereof on such bonds, executed in the name of the municipality and on its behalf by such officer thereof as may be designated in the ordinance authorizing such guaranty, and such municipality shall thereupon and thereafter be obligated to pay the principal of and interest on said bonds in the same manner and to the same extent as in the case of bonds issued by it. Any such guaranty of bonds of the authority may be made, and any ordinance authorizing such guaranty may be adopted, notwithstanding any statutory or other debt limitations, including particularly any limitation or requirement under or pursuant to the local bond law, but the principal amount of bonds guaranteed pursuant to said ordinance shall be included in the gross debt of such municipality for the purpose of determining the indebtedness of such municipality under or pursuant to the local bond law. The principal amount of bonds guaranteed pursuant to said ordinance and included in gross debt shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of the local bond law (a) from and after the date of adoption of the ordinance authorizing such guaranty and until the end of the fifth fiscal year beginning next thereafter, and (b) in any annual debt statement filed pursuant to the local bond law as of the end of said fifth fiscal year or any subsequent fiscal year if the municipality shall not have been required to make any payment in such fiscal year on account of the principal of or interest on any of the bonds guaranteed pursuant to said ordinance.

(3) Any contract, covenant or agreement with an authority or pledge to an authority made by a municipality pursuant to this section regarding funds received by the municipality for or with respect to the parking or storage of motor vehicles in streets or otherwise as referred to in paragraph (1)(a) hereof, whether or not including funds collected in parking meters in or along streets or otherwise, may include or be supplemented with provisions, on

such terms as may be authorized on behalf of the municipality and accepted by the authority, for or with respect to:

(a) The acquisition, installation, relocation, maintenance, repair, replacement, operation and disposition by the authority of all or any such parking meters in accordance with the applicable law, ordinances and regulations as to the parking of vehicles in the municipality;

(b) The collection by the authority of all or any funds generated in all or any such parking meters, and the accounting for, and deposit, custody, safeguarding, allocation, use, application and disposition of, any such funds;

(c) The enforcement by the authority, on behalf of the municipality or otherwise, of all or any of the applicable law, ordinances and regulations as to the parking of vehicles in the municipality, whether upon streets or on lands or other facilities owned or maintained by the municipality or the authority or elsewhere;

(d) In order to implement such enforcement of applicable law, ordinances and regulations as aforesaid, the appointment by or on behalf of the municipality upon designation from time to time by the authority of persons to serve, pursuant to N. J. S. 40A:14-146 but under the supervision and direction of the authority, as special policemen of the municipality with full power and authority, in such manner and to such extent as may be approved on behalf of such municipality, (1) to issue summonses for violations of any provision of said law, ordinances or regulations, (2) to serve and execute all process with respect to any such violation issuing out of the police court of the municipality by whatsoever name the same shall be known, and (3) to cause any vehicle parked, stored or abandoned in violation of any provision of said law, ordinances or regulations to be towed away from the scene of such violation and collect from the owner of such vehicle the costs of the towing and subsequent storage of said vehicle before surrendering said vehicle to such owner; and

(e) The allocation and financing of the costs and expense of any of the foregoing.

(4) Every municipality which shall make any contract, covenant or agreement with an authority or pledge to an authority pursuant to this section is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform the same and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such municipality. Every authority

is hereby empowered to accept, and make and enter into, any of the contracts, covenants, agreements or contractual provisions referred to in this section and is hereby authorized and directed to do and perform any and all acts and things necessary, convenient or desirable to carry out and perform the same. Any such contract, covenant, agreement or pledge, and any instrument making or evidencing the same, may be pledged or assigned by the authority to secure its bonds and thereafter may not be modified except as provided by the terms of such instrument or by the terms of such pledge or assignment.

3. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 269

AN ACT to amend "An act concerning The United Methodist Church, supplementing Title 16 of the Revised Statutes, and repealing chapters 9 and 10 of Title 16 of the Revised Statutes," approved July 31, 1968 (P. L. 1968, c. 235).

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

1. Section 1 of P. L. 1968, c. 235 (C. 16:10A-2) is amended to read as follows:

C. 16:10A-2 The United Methodist Church; authority and procedure for incorporation or reincorporation.

1. When so authorized and directed by the charge conference of any unincorporated local church duly organized in accordance with the Discipline of The United Methodist Church, the board of trustees may incorporate, or if incorporated may reincorporate, such church in the following manner:

a. Pursuant to a resolution adopted by such board of trustees, a meeting of the membership of such church shall be called by notice in writing signed by the president or secretary of such board. Such notice shall state that at a specified date, time and place a meeting will be held for the purpose of incorporating or reincorporating

such church, selecting a name therefor and electing trustees thereof. Such notice shall be posted conspicuously at the main entrance of the usual place of worship at least 10 days prior to the date of such meeting, and shall be read at each of the two morning services of worship, at least 1 week apart, preceding the date of such meeting.

b. At such meeting the district superintendent, or by his written designation the pastor, shall preside, and a secretary shall be elected to record the proceedings.

c. If at such meeting the members present and voting shall determine by resolution to incorporate or reincorporate such church, they shall similarly determine the name of the incorporated church and the number of its trustees which shall be three, six or nine. Such member shall elect the number of trustees, decided upon, which trustees shall be not less than 18 years of age, and $\frac{2}{3}$ of whom shall be full members of The United Methodist Church. One-third of such trustees shall be elected to hold office until the end of the annual conference year in which elected, $\frac{1}{3}$ until the end of the next succeeding annual conference year, and $\frac{1}{3}$ until the end of the second succeeding annual conference year.

2. Section 2 of P. L. 1968, c. 235 (C. 16:10A-3) is amended to read as follows:

C. 16:10A-3 Action by trustees.

2. Whenever a local church of The United Methodist Church shall have resolved to incorporate or reincorporate at a meeting held for such purpose, as provided by section 1 of this act, the duly elected trustees or appropriate officers elected by such trustees shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, a certificate of incorporation setting forth:

- a. The place and date of such meeting;
- b. The name of the incorporated church and the municipality and county in which it is located;
- c. The names and respective periods of office of the trustees elected;
- d. A statement that the members of the corporation shall be the members of the charge conference of such church as constituted in accordance with the Discipline of The United Methodist Church;

e. A statement that the corporation shall support the doctrine, and it, and all its property, both real and personal shall be subject to the laws, usages, and ministerial appointments of The United Methodist Church as are now or shall be from time to time established, made, and declared by the lawful authority of The United Methodist Church; and

f. The approval of the district superintendent of that district of the annual conference in which such local church is located.

Upon the filing of such certificate in the office of the clerk of the county in which such local church is located and in the office of the Secretary of State, such local church shall be a corporation by the name stated in such certificate, and the persons therein stated to be the elected trustees of such incorporated local church shall be authorized to serve for the terms for which they were elected and until their successors have been duly elected and qualified.

3. Section 4 of P. L. 1968, c. 235 (C. 16:10A-5) is amended to read as follows:

C. 16:10A-5 Authority to amend certificate of incorporation; limitations.

4. Any local church of, or any other organization connected with, The United Methodist Church now or hereafter incorporated may alter or amend its certificate of incorporation in the same manner as provided by this act for the incorporation of a local church or of such other organization; provided, however, that the notice of meeting shall state the alterations or amendments to be considered; and provided further, that no alteration or amendment shall be inconsistent with the provisions of this act or the discipline of The United Methodist Church. Any such alteration or amendment shall become operative when an amended certificate of incorporation has been signed by the president or vice-president and secretary and acknowledged as in the case of deeds to real estate, and filed as provided by this act for an original certificate of incorporation.

4. Section 7 of P. L. 1968, c. 235 (C. 16:10A-8) is amended to read as follows:

C. 16:10A-8 Trustees; number, qualifications, classes, election, terms, vacancies.

7. The board of trustees of any local church of The United Methodist Church shall consist of three, six or nine members, as may be provided by the certificate of incorporation, each of whom shall be not less than 18 years of age, and at least $\frac{2}{3}$ of whom

shall be full members of The United Methodist Church. The members of the board of trustees shall be divided into three classes, each class having an equal number of members, and the terms of office of one class shall expire at the end of each annual conference year.

An election of trustees of a local church of The United Methodist Church shall be held annually at a meeting of the charge conference. Trustees shall be elected by the charge conference unless the charge conference shall have previously ordered that election shall be by the membership of the church. At least 10 days' notice of the time and place of meeting for election of trustees shall be given to the members of the church in writing or from the pulpit or in the weekly bulletin. Such notice shall be given by the pastor or the charge conference or the district superintendent, and shall state the names of those trustees whose successors are to be elected.

Trustees shall be elected to succeed those whose terms expire at the end of the annual conference year in which such meeting is held, and to fill a vacancy or vacancies in any other class which has occurred since the last annual election; provided, however, that a trustee may be elected to succeed himself. The persons elected shall take office at the beginning of the ensuing annual conference year, to serve for a term of 3 years or until their successors have been duly elected and qualified; but any trustee elected to fill a vacancy shall serve only for the term of such vacancy.

Any vacancy in the board of trustees of a local church of The United Methodist Church may be filled until the next annual election by the charge conference of such church at any regular or special meeting.

5. Section 13 of P. L. 1968, c. 235 (C. 16:10A-14) is amended to read as follows:

C. 16:10A-14 Abandonment of church property; conditions, disposition.

13. All real and personal property belonging to or held in trust for any local church of The United Methodist Church that has or shall become abandoned shall vest in and become the property of that annual conference of The United Methodist Church in which such local church was located.

A local church of The United Methodist Church shall be regarded as abandoned when its membership is so reduced that it has not sufficient members to fill its offices, and when it has ceased to hold its regular meetings and to keep its relation with any charge having

regular connection with an annual conference of The United Methodist Church for a period of 2 consecutive years.

The annual conference of The United Methodist Church in which any such abandoned local church was located may, in pursuance of a resolution by it, sell the property of any such abandoned local church and convey the same to the purchaser by deed in its corporate name.

6. Section 14 of P. L. 1968, c. 235 (C. 16:10A-15) is amended to read as follows:

C. 16:10A-15 Conduct of elections.

14. To be qualified to vote at a meeting of the charge conference, or at a meeting of the membership of a local church of, or organization connected with, The United Methodist Church, when such meeting is held for the purpose of incorporation, alteration or amendment of the certificate of incorporation, merger, election of trustees, or any action relating to the property of such church or organization, a person shall be a full member of such church or organization who is not less than 18 years of age. The presiding officer of any such meeting shall be the judge of the qualifications of voters, subject to appeal to the vote of the members present whose qualifications are not challenged. Such presiding officer shall receive the votes cast and declare the result of same.

Unless otherwise provided by this act, or by the certificate of incorporation or the bylaws of such local church or organization, elections and approval of actions shall be by a majority vote of the qualified voters present and voting. In elections of trustees a written individual ballot shall be used if so directed by vote of the members present, but cumulative voting shall be prohibited.

7. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 270

AN ACT concerning municipal policemen and supplementing Title 40A of the New Jersey Statutes.

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

C. 40A:14-149.1 Suspension with pay pending disposition of charges; exceptions.

1. Notwithstanding any other law to the contrary, whenever any municipal police officer is charged under the law of this State, another state, or the United States, with an offense, said police officer may be suspended from performing his duties, with pay, until the case against said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated.

C. 40A:14-149.2 Reinstatement to position and recovery of pay withheld.

2. If a suspended police officer is found not guilty at trial, the charges are dismissed or the prosecution is terminated, said officer shall be reinstated to his position and shall be entitled to recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action.

C. 40A:14-149.3 Reimbursement to municipality if found guilty of charges.

3. If any municipal police officer is suspended with pay and is found guilty of the charges brought against him said police officer shall reimburse the municipality for all pay received by him during the period of his suspension.

4. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 271

AN ACT concerning the transfer of cases between counties, supplementing chapter 11 of Title 2A 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. 2A:11-5.1 Payment to county to which cases are transferred.

1. Whenever, upon the order of the Chief Justice, cases pending in the Superior Court or the County Court of any county are transferred to another county in order to facilitate their expeditious disposition, the county to which the transfer is made shall, upon the final disposition of such cases, be entitled to payment, by way of reimbursement for expenses in connection with the disposition thereof, of an amount to be computed as follows: (a) \$50.00 per case, whether or not brought to trial; plus (b) \$200.00 per case for each day or part thereof, of trial.

C. 2A:11-5.2 Certification and payment of claim for reimbursement.

2. Claim for reimbursement shall be certified to the administrative director of the courts by the assignment judge of the county. One-half of such claim shall be paid by the State Treasurer from funds appropriated to the Judiciary and $\frac{1}{2}$ of such claim shall be paid by the county from which cases are transferred.

3. The sum of \$75,000.00 is hereby appropriated to the Judiciary to effectuate the purposes of this act.

4. This act shall take effect immediately and shall apply to cases transferred on or after July 1, 1972.

Approved November 29, 1973.

CHAPTER 272

AN ACT concerning autobuses with respect to specifications, insurance requirements and financial responsibility, and amending R. S. 48:2-13, R. S. 48:4-1 and R. S. 48:16-23.

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

1. R. S. 48:2-13 is amended to read as follows:

General jurisdiction; "public utility" defined.

48:2-13. The board shall have general supervision and regulation of and jurisdiction and control over all public utilities as herein-after in this section defined and their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Title.

The term "public utility" shall include every individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever, their successors, heirs or assigns, that now or hereafter may own, operate, manage or control within this State any railroad, street railway, traction railway, autobus, charter bus operation, special bus operation, canal, express, subway, pipeline, gas, electric light, heat, power, water, oil, sewer, solid waste collection, solid waste disposal, telephone or telegraph system, plant or equipment for public use, under privileges granted or hereafter to be granted by this State or by any political subdivision thereof.

Nothing contained in this Title shall extend the powers of the board to include any supervision and regulation of, or jurisdiction and control over any vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxi-cab service unless such service becomes or is held out to be regular service between stated termini; hotel busses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations, including local airports, or bus employed solely for transporting school children and teachers, to and from school, or any autobus with a carrying capacity of not more than 10 passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.

2. R. S. 48:4-1 is amended to read as follows:

Definitions and applications.

48:4-1. The term "autobus" as used in this chapter means and includes, except as hereinafter noted, any motor vehicle or motorbus operated over public highways or public places in this State for the transportation of passengers for hire in intrastate business, notwithstanding such motor vehicle or motorbus may be used in interstate commerce.

Nothing contained herein shall be construed to include:

a. Vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini;

b. Hotel busses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airports;

c. Busses operated solely for the transportation of school children and teachers to and from school;

d. Any autobus with a carrying capacity of not more than 10 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.

The word "person" as used in this chapter means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court.

The word "street" as used in this chapter means and includes any street, avenue, park, parkway, highway, road or other public place.

The term "charter bus operation" as used in this chapter means and includes the operation of an autobus or autobusses by the person owning or leasing such bus or busses pursuant to a contract, agreement or arrangement to furnish an autobus or autobusses and a driver or drivers thereof to a person, group of persons or orga-

nization (corporate or otherwise) for a trip designated by such person, group of persons or organization for a fixed charge per trip, per autobus or per mile.

The term "special bus operation" as used in this chapter means and includes the operation by the owner or lessee of an autobus or autobusses for the purpose of carrying passengers for hire, each passenger paying a fixed charge for his carriage, on a special trip arranged and designated by such owner or lessee, which fixed charge may or may not include meals, lodging, entertainment or other charges.

3. R. S. 48:16-23 is amended to read as follows:

Definitions.

48:16-23. The word "autobus" as used in this article shall mean and include any automobile or motor bus, commonly called jitney, with a carrying capacity of not more than ten passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

The word "person" as used in this article shall mean and include any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court whatsoever.

The word "street" as used in this article shall mean and include any street, avenue, park, parkway, highway or other public place.

4. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 273

AN ACT concerning certain commercial motor vehicles, tractors, trailers and semitrailers and supplementing article 5 of chapter 3 of Title 39 of the Revised Statutes.

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

C. 39:3-84a Annual special permit.

1. The owner or operator of a commercial motor vehicle, tractor, trailer or semitrailer engaged in carrying loads on any such vehicle the outside width of which is more than 96 inches, inclusive of load, for which a special permit must be secured from the Director of the Division of Motor Vehicles pursuant to R. S. 39:3-84, may apply to the director to secure such special permit on an annual basis, upon payment of an annual fixed fee to be set at the discretion of the director. The director, in his discretion, may issue an annual special permit. Such annual special permit shall be subject to all the conditions and restrictions of special permits issued on a single trip basis; provided, however, that nothing herein contained shall be construed as permitting any such commercial motor vehicle, tractor, trailer or semitrailer to exceed any combined weight of vehicle and load, or axle weight, established by law.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 274

AN ACT concerning 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. 39:4-139.1 Liability of owner of leased motor vehicle for parking violation.

1. a. The owner of a motor vehicle who has leased the motor vehicle shall not be liable for any parking violation under this Title, under any municipal ordinance, or under regulations issued by State authorities, when the motor vehicle is under the control or in the possession of the lessee; provided that, upon notice of a parking violation, the owner of a motor vehicle which was leased at the time of the violation notifies the clerk of the court where the case is pending, by a notarized statement of the name and address of the lessee. The notarized statement shall be in a form prescribed by the Administrative Director of the Courts.

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

c. Paragraph a. of this section shall not apply to any parking violation which was caused by mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle.

The lessee of the motor vehicle who intends to claim the violation resulted from the owner's failure to maintain the vehicle shall notify the clerk of the court where the case is pending and the owner of the vehicle of this claim within 5 days after receiving notice of the violation or at least 7 days prior to the date the case will be heard by the court, whichever is later.

d. If the owner of the vehicle fails to comply with the provisions of paragraph a. above, the court hearing the violation may take such action as the interests of justice require, including finding the owner of the motor vehicle liable for the parking violation.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 275

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 3 of P. L. 1945, c. 162 (C. 54:10A-3) is amended to read as follows:

C. 54:10A-3 Exempt corporations.

3. The following corporations shall be exempt from the tax imposed by this act:

(a) corporations subject to a tax under the provisions of article 2 of chapter 13 of Title 54 of the Revised Statutes, or to a tax assessed upon the basis of gross receipts other than the Retail Gross Receipts Tax Act, or insurance premiums collected;

(b) corporations which operate regular route autobus service within this State under operating authority conferred pursuant to R. S. 48:4-3, provided, however, that such corporations shall not

be exempt from the tax on net income imposed by section 5 (c) of P. L. 1945, c. 162 (C. 54:10A-5 (c));

(c) railroad, canal or banking corporations, savings banks, production credit associations organized under the Farm Credit Act of 1933, agricultural cooperative associations incorporated or domesticated under or subject to chapter 13 of Title 4 of the Revised Statutes and exempt under Subtitle A, Chapter 1 F Part III Section 521 of the Federal Internal Revenue Code, or building and loan or savings and loan associations;

(d) cemetery corporations not conducted for pecuniary profit or any private shareholder or individual;

(e) nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Titles 15, 16 or 17 of the Revised Statutes, or under a special charter or under any similar general or special law of this or any other State, and not conducted for pecuniary profit of any private shareholders or individual;

(f) corporations subject to a tax under the provisions of P. L. 1940, c. 4, or P. L. 1940, c. 5, or any statute or law imposing a similar tax or taxes;

(g) nonstock corporations organized under the laws of this State or of any other state of the United States to provide mutual ownership housing under Federal law by tenants, provided, however, that the exemption hereunder shall continue only so long as the corporations remain subject to rules and regulations of the Federal Housing Authority and the Commissioner of the Federal Housing Authority holds membership certificates in the corporations and the corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act (48 Stat. 1246) as amended by subsequent Acts of Congress. In order to be exempted under this subsection, corporations shall annually file a report on or before August 15 with the commissioner, in the form required by the commissioner, to claim such exemption, and shall pay a filing fee of \$25.00.

(h) corporations not for profit organized under any law of this State where the primary purpose thereof is to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act" (P. L. 1969, c. 215).

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 276

AN ACT to amend "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against certain persons and to create a division on civil rights," approved April 16, 1945 (P. L. 1945, c. 169) as said title was amended by P. L. 1949, c. 11, P. L. 1951, c. 64, P. L. 1962, c. 37.

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

1. Section 11 of P. L. 1945, c. 169 (C. 10:5-12) is amended to read as follows:

C. 10:5-12 Unlawful employment practice or unlawful discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be

construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status or sex of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin, ancestry, marital status or sex is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar

any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1-1 or place where alcoholic beverages are served.

g. For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons;

(2) To discriminate against any person or group of persons because of the race, creed, color, national origin, marital status or sex of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar

any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex.

h. For any real estate broker, real estate salesman or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion or facilities thereof to or from any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons;

(2) To discriminate against any person because of his race, creed, color, national origin, ancestry, marital status or sex in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) to print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed, any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be con-

strued to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons or of the prospective occupants or tenants of such real property or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such financial assistance or in the extension of services in connection therewith; or

(2) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination.

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesman or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status or sex of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering

of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 277

AN ACT concerning municipally-owned public utilities, and amending R. S. 40:62-2.

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

1. R. S. 40:62-2 is amended to read as follows:

Records pertaining to utilities; reports to Board of Public Utility Commissioners.

40:62-2. Any municipality engaged in the business of operating any light, heat or power plant or works or engaged in the business of transportation, shall, with respect to such business and the property and plant used by it: a. keep its books, records and accounts in the same manner as provided by statute for keeping other books, records and accounts of a municipality, and file with the Board of Public Utility Commissioners a copy of its Annual Report of Audit by a registered municipal accountant if the municipality provides light, heat or power only within the limits of the municipality;

b. keep its books, records and accounts and make reports to the board in a manner and form and to the same extent as the board shall from time to time require of other public utilities in similar businesses in all other situations;

c. comply with all rules, regulations and recommendations as to reasonable standards and service to the same extent as the board shall from time to time require of other public utilities engaged in other similar businesses. The Board of Public Utility Commissioners shall have power and authority to enforce the provisions of this section.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 278

AN ACT concerning county detectives, and amending N. J. S. 2A:157-6.

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

1. N. J. S. 2A:157-6 is amended to read as follows:

County detectives in third-class counties of less than 75,000 population.

2A:157-6. In counties of the third class now or hereafter having a population of less than 75,000 there may be appointed not in excess of five county detectives, of whom one may be designated chief of county detectives and of whom one may be designated as lieutenant of county detectives; their annual salaries shall be fixed as follows: chief of county detectives, not less than \$6,500.00; lieutenant of county detectives, not less than \$6,000.00; and other county detectives, not less than \$5,500.00.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 279

AN ACT to amend "An act providing for a system for the granting of paroles in certain cases, establishing a State Parole Board and defining its composition, powers and duties, and repealing sections 30:4-106.1, 30:4-106.2 and 30:4-142 of the Revised Statutes," approved May 28, 1948 (P. L. 1948, c. 84).

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

1. Section 12 of P. L. 1948, c. 84 (C. 30:4-123.12) is amended to read as follows:

C. 30:4-123.12 Limitations on granting of parole.

12. The granting of parole, as provided for herein, shall be limited as follows:

(a) Any offender sentenced to any penal institution of this State who has previously served all or part of a term of imprisonment in any penal institution

(1) Of this State, or

(2) Of the United States, or

(3) Of any state other than this State, shall be deemed to be a second offender and upon his incarceration for such second offense shall be ineligible for parole consideration by the board until he shall have served at least $\frac{1}{2}$ of the maximum sentence imposed upon him for such second offense less commutation time therefrom for good behavior and any time earned for diligent performance of work assignments.

(b) Any person sentenced to any penal institution of this State who has previously served all or part of two terms of imprisonment in any penal institution

(1) Of this State, of the United States or any state other than this State, or

(2) Of this State and of the United States, or of this State and of any other state, or of the United States and any other state, or of any states other than this State, shall be deemed to be a third offender and upon his incarceration for such third offense shall be ineligible for parole consideration by the board until he shall have served at least $\frac{2}{3}$ of the maximum sentence imposed upon him for such third offense less commutation time therefrom for good behavior and any time earned for diligent performance of work assignments.

(c) Any person sentenced to any penal institution of this State who has previously served all or part of three terms of imprisonment in any penal institution

(1) Of this State, of the United States, or of any state other than this State, or

(2) Of this State and the United States, or of this State, the United States and any other state, or of this State and any other state or states, or

(3) Of the United States and any other state or states, or of more than one state other than this State, shall be deemed to be a fourth offender and upon his incarceration for such

fourth or later offense shall be ineligible for parole consideration by the board until he shall have served at least $\frac{1}{2}$ of the maximum sentence imposed upon him for such fourth or later offense less commutation time therefrom for good behavior and any time earned for diligent performance of work assignment.

As used in this section "penal institution" means and includes the New Jersey State Prison and any other state penal or correctional institution in this State to which offenders are sentenced for fixed terms or fixed minimum and maximum terms and other institutions of like character under the jurisdiction of the United States or of a state or states other than this State.

As used in subsections a., b., and c. of this section no sentence to any penal institution of any state other than this State shall be deemed to be a sentence to any penal institution if at the time of the commission of the offense for which such prior sentence was imposed such person was under the age of 18 years, unless: (1) the sentencing court in this State, upon a consideration of the nature of the offense for which such prior sentence was imposed, shall direct such prior sentence to a penal institution of the other state be included for purposes of subsections a., b., and c. hereof, or (2) such person was specifically treated as an adult for the prior offense under a statute similar to N. J. S. 2A:4-15.

The limitations contained in this section on the granting of parole shall not apply to prisoners who are convicted and sentenced as second, third or fourth offenders in the manner provided for in N. J. S. A. 2A:85-8, 2A:85-9, 2A:85-12 and 2A:85-13; provided, that the fact of such conviction and sentence as a second, third or fourth offender is contained in the order committing the prisoner to confinement as a part of his sentence and wherein it is specified that he is convicted either as a second, third or fourth offender. All such prisoners so convicted and sentenced shall be eligible for consideration for release on parole as provided for in section 10 of this act.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 280

AN ACT concerning municipal ownership of electricity plants and related facilities, supplementing chapter 62 of Title 40 of the Revised Statutes.

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

C. 40:62-25.1 Authority for municipality to enter into certain contracts.

1. In addition to any other powers provided in this article or conferred by any other law, and not in limitation thereof, any municipality owning or operating electrical generation facilities may, pursuant to ordinance of the governing body thereof, enter into a contract or contracts with any individual, copartnership, association, corporation or joint stock company constituting a public utility under the supervision, regulation, jurisdiction and control of the Board of Public Utility Commissioners of the State of New Jersey, providing for the joint acquisition or construction and ownership of real or personal property, including generating stations, buildings and structures, equipment, piping, instruments, control apparatus, transformers, transmission lines, appliances and appurtenances for or relating to the generation, storage, transmission or distribution of electricity within or without the territorial boundaries of such municipality, and the joint maintenance and operation of such facilities, in the manner set forth in such contract and within the limitations hereinafter provided. The ordinance authorizing any such contract need not set forth in full the text or terms thereof if a copy of such contract is placed on file in the office of the clerk of the municipality prior to the first publication of said ordinance and the fact and place of such filing is stated in said ordinance.

C. 40:62-25.2 Terms and conditions of contract.

2. Any such contract may be made by a municipality, notwithstanding any other provisions in this article contained, for a period not to exceed the anticipated useful life of said facilities for the financing which obligations of the municipality are issued as hereinafter provided, and the governing body of a municipality approving and executing such contract is hereby authorized to provide therein for the joint ownership, operation and maintenance of the facilities made the subject of such contract under such terms

and conditions as it determines necessary, convenient or desirable to carry out and effectuate the purposes of this act and the acts to which this act is a supplement, provided that neither the money nor credit of any municipality shall be given or loaned in any manner, directly or indirectly, to any State-regulated public utility which is a party to such contract, nor shall any municipality be liable for more than its proportionate share of the cost, damages, expenses, liabilities or other obligations incurred in the acquisition, construction, operation or maintenance of said facilities as set forth in such contract or otherwise arising in connection with such facilities, and every municipality shall own and control an interest in such facilities and the electrical output thereof at least equal or proportionate to the money, property or other consideration furnished or supplied in or with respect to the planning, acquisition, construction, operation or maintenance thereof by said municipality.

C. 40:62-25.3 Financing cost of acquisition or construction of joint facilities.

3. For the purpose of financing that part of the cost of acquisition or construction of such joint facilities attributable to it, and to meet the payment or payments or other obligations of said municipality with respect to such capital expenditures and improvements as may be provided for in such contract, every municipality is authorized to incur indebtedness in accordance with the provisions and subject to the limitations of the Local Bond Law of New Jersey, constituting chapter 2 of Title 40A of the New Jersey Statutes, or any other law presently or hereafter applicable to the incurrence of indebtedness by such municipality. The bonds of any municipality so issued, and any notes in anticipation thereof, shall be obligations of that municipality solely, without respect to the use of the proceeds thereof for the joint construction, acquisition or ownership of the aforesaid facilities by said municipality and any State-regulated public utility.

C. 40:62-25.4 Construction of act.

4. This act shall be construed liberally to effect the legislative determination and intent, hereby declared, that municipalities of the State, in furtherance of their public purposes, shall be empowered to join with State-regulated public utilities to effectively and economically provide for the electrical power needs of the State and its inhabitants. All moneys appropriated or obligations issued in pursuance of this act are hereby declared to be for a public purpose. In carrying out the powers granted herein relating to contracts with State-regulated public utilities the municipality

shall not be subject to the provisions of chapter 50 of Title 40 of the Revised Statutes, or chapter 198 of the laws of 1971, but only with respect to the doing of work or the furnishing of materials, supplies or labor relating to the joint acquisition, construction, operation or maintenance of the facilities made the subject of such contract, nor shall any municipality owning or operating electricity generation facilities be required to submit the matter of the improvement or extension of such facilities or the construction or acquisition of additional such facilities within or without the municipality pursuant to this act to referendum, provided that the question of whether such municipality should acquire or construct an electric plant or works has at any prior time be submitted to and approved by the legal voters of such municipality in accordance with requirements of R. S. 40:62-15.

C. 40:62-25.5 Partial invalidity.

5. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

6. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 281

AN ACT concerning the Veterans Service Council and amending
P. L. 1971, c. 344.

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

1. Section 1 of P. L. 1971, c. 344 (C. 30:6AA-1) is amended to read as follows:

C. 30:6AA-1 Definitions.

1. As used in this act, unless otherwise indicated by the context:
 - a. "Commissioner" means the Commissioner of the State Department of Institutions and Agencies.
 - b. "Council" means the Veterans' Facilities Council in the State Department of Institutions and Agencies.
 - c. "Member" means a person admitted to and receiving care in a veterans' facility.
 - d. "Veteran" means a person who has been honorably discharged from active military service of the United States.
 - e. "Veterans' facility" means any home, institution, hospital, or part thereof, the admission to which is under the jurisdiction of the State Department of Institutions and Agencies.
2. Section 11 of P. L. 1971, c. 344 (C. 30:6AA-11) is amended to read as follows:

C. 30:6AA-11 Veterans' Facilities Council; creation, membership, appointment, terms, vacancies, compensation, removal.

11. There is hereby created within the Department of Institutions and Agencies a Veterans' Facilities Council which shall consist of 15 members, at least 10 of whom shall be veterans, appointed by the commissioner, with the approval of the Governor. The term of each council member, except for the initial members, shall be 3 years commencing on July 1 and ending on June 30 of the third year thereafter, and vacancies shall be filled for the unexpired term only.

The initial membership of the council shall include those persons serving on the effective date of this act as members of the boards of managers of the New Jersey Memorial Home for Disabled Soldiers at Menlo Park and the New Jersey Memorial Home for Disabled Soldiers, Sailors, Marines and Their Wives and Widows at Vineland, which boards are hereby abolished. Such members shall serve for the term to which they had been last appointed to the respective boards, but additional and subsequent appointments shall be made in such manner that the terms of $\frac{1}{3}$ of the members of the council shall expire on June 30 of each year.

The members of the council shall receive no compensation for services but shall be reimbursed for actual expenditures incurred in the performance of duty. They shall be subject to removal by the Governor at any time for good and sufficient cause.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 282

AN ACT concerning license fees for taking oysters or clams by senior citizens and amending R. S. 50:2-3.

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

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

License fee; exception.

50:2-3. The license fee shall be fixed by the Division of Fish, Game and Shell Fisheries from time to time, subject to approval of the Commissioner of the Department of Environmental Protection, at not less than \$1.00 nor more than \$10.00 for residents, and shall be \$25.00 for nonresidents. No fee shall be charged to a person who is 62 or more years of age; provided such person is a citizen and actual resident of this State.

2. This act shall take effect immediately.

Approved November 29, 1973.

CHAPTER 283

AN ACT concerning the conduct of horse race meetings with relation to authorization of the issuance of special running race permits and the disposition of breakage at race meetings during the year 1974 and supplementing P. L. 1940, c. 17 (C. 5:5-22 et seq.).

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

1. a. Notwithstanding any of the provisions of the act to which this is a supplement, the commission may grant a special permit, upon application of a holder or holders of the outstanding permits authorizing running races in this State, for the holding or conducting of a special running race meeting or meetings at any or all of the tracks of holders of permits for the conduct of running race meetings on such days, other than Sunday, during the entire calendar year of 1974 as the commission may designate. Such special running race meetings shall not exceed 45 racing days in the aggregate during such calendar year.

b. After deducting the costs and expenses of such a special race meeting to be retained by the owners of the facility at which a special race meetings conducted and payment to the commission of sums required under the act to which this act is a supplement, the balance shall be divided equally among all 1974 running race meeting permit holders. The costs and expenses authorized to be retained by the owners of the facility at which a special race meeting is conducted shall be prescribed by the commission.

2. Notwithstanding any of the provisions of the act to which this is a supplement, the breakage, as defined in section 44 of said act (C. 5:5-64), accruing from all race meetings held in 1974, minus such portion of said breakage necessary to make up any deficiencies pursuant to said section 44, shall be allotted in the following manner:

a. 75% shall be deposited in a special trust account and distributed equally among the race permit holders, which moneys shall be used exclusively for the purpose of increasing overnight purses; and

b. 25% shall be deposited in a special trust account for the establishment and support by the commission of sire stake or breeders award programs, which moneys shall be distributed by the commission for New Jersey bred thoroughbred stake races, New Jersey thoroughbred breeder award payments, standardbred breeder award and sire stakes payments. The New Jersey thoroughbred stake race moneys shall be administered and disbursed by the commission while the thoroughbred breeder award and standardbred breeder award and standardbred sire stakes moneys shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph b. shall be separate and apart from any special trust account established and maintained pursuant to section 46 (C. 5:5-66).

c. The commission may authorize proportional payments from the total funds specified in a. and b. above to any or all race permit holders for the purpose of assisting them in keeping their track and stable facilities open during periods of time when they are not normally in operation.

3. This act shall take effect immediately.

Approved November 30, 1973.

CHAPTER 284

AN ACT transferring the State Bureau for Surplus Property from the Division of Purchase and Property, State Department of the Treasury, to the Division of Civil Defense and Disaster Control, Department of Defense.

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

C. 38A:3-2.1 State Bureau for Surplus Property transferred.

1. The State Bureau for Surplus Property, in the Division of Purchase and Property, State Department of the Treasury, together with its functions, powers and duties, is hereby transferred to the Division of Civil Defense-Disaster Control in the State Department of Defense.

C. 38A:3-2.2 Regulations.

2. The Chief of Staff, Department of Defense, shall have the power to promulgate regulations pursuant to the New Jersey Administrative Procedure Act to carry out the purposes of this act which may be required by Federal law.

C. 38A:3-2.3 Provisions applicable to transfer.

3. The transfer directed by this act will be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

4. This act shall take effect immediately.

Approved November 30, 1973.

CHAPTER 285

AN ACT concerning alcoholic beverages and amending R. S. 33:1-26.

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

1. R. S. 33:1-26 is amended to read as follows:

Term of license; prorated fee; separate licenses; license restrictions; extension of license; procedure on transfer of license; employment regulations.

33:1-26. All licenses shall be for a term of 1 year from July 1 in each year. The respective fees for any such license shall be prorated according to the effective date of such license and based on the

respective annual fee as in this chapter provided. Where the license fee deposited with the application exceeds such prorated fee, a refund of the excess shall be made to the licensee. Licenses are not transferable except as hereinafter provided. A separate license is required for each specific place of business and the operation and effect of every license is confined to the licensed premises. No retail license of any class shall be issued to any holder of manufacturer's or wholesaler's license, and no manufacturer's or wholesaler's license shall be issued to the holder of a retail license of any class. Any person who shall exercise or attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of a license except the licensee and then only with respect to the licensed premises, shall be guilty of a misdemeanor.

In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the director or the issuing authority may, in his or its discretion, extend said license for a limited time, not exceeding its term, to the executor, administrator, trustee, receiver or other person upon whom the same has devolved by operation of law as aforesaid. Under no circumstances, however, shall a license, or rights thereunder, be deemed property, subject to inheritance, sale, pledge, lien, levy, attachment, execution, seizure for debts, or any other transfer or disposition whatsoever, except to the extent expressly provided by this chapter.

On application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises, and after publication of notice of intention to apply for transfer, in the same manner as is required in case of an application for license as to said premises, the director or other issuing authority may transfer, upon payment of a fee of 10% of the annual license fee for the license sought to be transferred, any license issued by him or it respectively to a different place of business than that specified therein, by endorsing permission upon such license.

On application made therefor setting forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license, which application for transfer shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee

to such transfer, and after publication of notice of intention by the person to whom the transfer of license is sought, to apply for transfer in the same manner as is required in the case of an original application for license, the director or other issuing authority, as the case may be, may transfer any license issued by him or it respectively to such applicant for transfer by endorsing the license. Such application and the applicant shall comply with all requirements of this chapter pertaining to an original application for license and shall be accompanied, in lieu of the license fee required on the original application, by a fee of 10% of the annual license fee for the license sought to be transferred, which 10% shall be retained by the director or other issuing authority, as the case may be, whether the transfer be granted or not, and accounted for as other license fees.

If the other issuing authority shall refuse to grant a transfer the applicant shall be notified forthwith of such refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application, and such applicant may, within 30 days after the date of service or mailing of such notice, appeal to the director from the action of the issuing authority. If the other issuing authority shall grant a transfer any taxpayer or other aggrieved person opposing the grant of the transfer may, within 30 days after the grant of such transfer, appeal to the director from the action of the issuing authority.

No person who would fail to qualify as a licensee under this chapter shall be knowingly employed by or connected in any business capacity whatsoever with a licensee. Persons failing to qualify as to age or by reason of conviction of a crime involving moral turpitude may, with the approval of the director, and subject to rules and regulations, be employed by any licensee, but such employee if disqualified by age shall not, in any manner whatsoever serve, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage; and further provided, that no permit shall be necessary for the employment in a bona fide hotel or restaurant of any person failing to qualify as to age so long as such person shall not in any manner whatsoever serve, sell or solicit the sale of any alcoholic beverage, or participate in the mixing, processing or preparation thereof.

2. This act shall take effect immediately.

Approved December 4, 1973.

CHAPTER 286

A SUPPLEMENT to the "New Jersey Sports and Exposition Authority Law," approved May 10, 1971 (P. L. 1971, c. 137, C. 5:10-1 et seq.).

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

C. 5:10-14.1 Debt service reserve fund.

1. a. The authority may create and establish a reserve fund in connection with the issuance of bonds to finance the initial project to be known as the debt service reserve fund and may pay into such reserve fund (1) any moneys appropriated and made available by the State for the purposes of such fund, (2) any proceeds of sale of such bonds to the extent provided in the resolution of the authority authorizing the issuance thereof, and (3) any other moneys which may be made available to the authority for the purposes of such fund from any other source or sources. The moneys held in or credited to the debt service reserve fund established under this section, except as hereinafter provided, shall be used solely for the payment of the principal of such bonds of the authority secured by such reserve fund, as the same mature or become due, the purchase or retirement of such bonds, the payment of interest on such bonds or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that moneys in such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum debt service reserve (as hereinafter defined) with respect to such bonds then outstanding and secured by such reserve fund, except for the purpose of paying the principal of, interest on, the premium, if any, on, and the retirement of, such bonds secured by such reserve fund maturing or becoming due and for the payment of which other moneys of the authority are not available. Maximum debt service reserve as used in this section shall mean, as of any date of calculation and with respect to such bonds secured by the debt service reserve fund, the largest amount of money required by the terms of any contracts of the authority with the holders of such bonds to be provided in any succeeding calendar year for the payment of interest on and serial maturities of such bonds then

outstanding and payments required by the terms of any such contracts to be made to sinking funds established for the payment or redemption of such bonds, calculated on the assumption that such bonds will cease to be outstanding after the date of such calculation only by reason of the payment of such bonds at their respective maturities and the making of required payments to sinking funds and the application thereof in accordance with the terms of such contracts to the retirement of such bonds. Any income or interest earned by, or increment to, the debt service reserve fund due to the investment thereof may be transferred to any other fund or account of the authority to the extent it does not reduce the amount of such debt service reserve fund below the maximum debt service reserve with respect to such bonds of the authority then outstanding and secured by such reserve fund.

b. The authority shall not issue bonds at any time if the maximum debt service reserve with respect to such bonds outstanding and then to be issued and secured by the debt service reserve fund will exceed the amount of such reserve fund at the time of issuance, unless the authority, at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of such bonds so to be issued, or otherwise, an amount which, together with the amount then in such reserve fund, will be not less than the maximum debt service reserve with respect to such bonds then to be issued and on all other bonds of the authority then outstanding and secured by such reserve fund.

c. To assure the continued operation and solvency of the authority for the carrying out of the public purposes of the act, provision is made hereinabove in this section for the accumulation in the debt service reserve fund of an amount equal to the maximum debt service reserve with respect to all bonds of the authority then outstanding and secured by such reserve fund. In order further to assure the maintenance of such debt service reserve fund, there shall be annually appropriated and paid to the authority for deposit in the debt service reserve fund such sum, if any, as shall be certified by the chairman of the authority to the Governor as necessary to restore such reserve fund to an amount equal to the maximum debt service reserve with respect to such bonds of the authority then outstanding and secured by such reserve fund. The chairman of the authority shall annually, on or before March 1, make and deliver to the Governor his certificate stating the sum, if any, required to restore the debt service reserve fund of the

authority to the amount aforesaid, and the sum or sums so certified, if any, shall be appropriated and paid to the authority for deposit in such debt service reserve fund of the authority prior to the end of the first calendar month of the next succeeding State fiscal year. Any payments to be made by the State to the authority as aforesaid for deposit in such debt service reserve fund are subject to and dependent upon appropriations being made from time to time by the State Legislature for such purpose.

d. In computing the debt service reserve fund for the purposes of this section, securities in which all or a portion of such debt service reserve fund shall be invested, shall be valued at par, or if purchased at less than par, at their cost to the authority.

e. Nothing herein contained shall be deemed to cause the bonds or notes of the authority to be in any way a debt or a liability of the State or any political subdivision thereof other than the authority, and the bonds and notes of the authority, whether or not payable from the debt service reserve fund created and established pursuant to this section, shall not create or constitute any indebtedness, liability or obligation of the State or any such political subdivision or be or constitute a pledge of the faith and credit of the State or of any such political subdivision.

f. For purposes of this section, initial project shall mean the initial development of the meadowlands complex as determined by the authority, and shall consist of (1) a football stadium to seat approximately 76,500 persons, (2) a racetrack and related facilities for both thoroughbred and harness horse racing, (3) roadways, parking and other support facilities therefor, and environmental facilities in connection therewith, together with all land and rights in land, structures and improvements, and other facilities and appurtenances related thereto.

C. 5:10-14.2 Redemption of bonds.

2. The State shall have the right, upon furnishing the authority with sufficient funds therefor, to require the authority to redeem, pay or cause to be paid, at or prior to maturity, in whole or in part, any bonds issued by the authority under the act; provided that such redemption or payment shall be made in accordance with the provisions of any contract entered into by the authority with the holders of such bonds.

3. This act shall take effect immediately.

Approved December 4, 1973.

CHAPTER 287

AN ACT to amend "An act concerning alcoholic beverage control and supplementing chapter 1 of Title 33 of the Revised Statutes," approved June 2, 1971 (P. L. 1971, c. 184).

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

1. Section 1 of P. L. 1971, c. 184 (C. 33:1-40.3) is amended to read as follows:

C. 33:1-40.3 Sale of malt alcoholic beverages in original containers.

1. Whenever the sale of alcoholic beverages for consumption on the premises and off the premises or either thereof is authorized in any municipality by ordinance or rule or regulation of the Division of Alcoholic Beverage Control, by the holder of a retail consumption or retail distribution license, such ordinance or rule shall authorize the sale of malt alcoholic beverage in original bottle or can containers for consumption off the premises on the same days and during the same hours as the sale of alcoholic beverages for consumption on the premises is permitted and authorized in said municipality. If a municipality has no ordinance or local law that authorizes the sale of alcoholic beverages for consumption on the premises, then such municipality may by ordinance authorize the sale of malt alcoholic beverages in original bottle or can containers by retail distribution licensees any time between the hours of 12:30 p.m. and 6:30 p.m. on Sunday, in addition to such week day hours as may be authorized by ordinance.

All parts of ordinances and regulations of the Director of the Division of Alcoholic Beverage Control inconsistent with the provisions of this act are superseded to the extent of such inconsistency.

2. This act shall take effect 30 days after enactment.

Approved December 4, 1973.

CHAPTER 288

AN ACT concerning the alcoholic beverage tax law, and amending
R. S. 54:45-1.

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

1. R. S. 54:45-1 is amended to read as follows:

Bimonthly reports to director; payment of tax.

54:45-1. Every person who, within this State, shall manufacture, distribute, transport, store, warehouse, import, offer for sale or sell any alcoholic beverages or who shall purchase, transfer, sell or agree to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, or who is the holder of a license permitting the doing of any such acts, shall file with the director a report on such form as the director shall prescribe. Any such report shall be verified by oath whenever the director shall so require. Every such report shall accurately and truthfully disclose the amount of alcoholic beverages manufactured, distributed, transported, stored, warehoused, withdrawn from storage, imported, purchased and sold, and the number and kind of warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages purchased, transferred, sold and agreed to be sold by such person during the preceding 2 months, and such other information as the director may require. Such report shall be filed on or before the fifteenth day following each 2-month period. Holders of plenary retail consumption licenses, seasonal retail consumption licenses, plenary retail distribution licenses, limited retail distribution licenses and club licenses, issued pursuant to the provisions of Title 33 of the Revised Statutes or any other relative law of this State and the holders of permits, issued pursuant to the provisions of Title 33 of the Revised Statutes, authorizing the manufacture of wine for personal consumption only, shall not be required to file a report. Every such person shall pay to the director upon the filing of such report the amount of tax which shall be due from such person by reason of sales or deliveries of alcoholic beverages, unless previously paid.

Any such person who shall fail to file any such report on the day when it shall be due shall forfeit as a penalty for each day thereafter

until the report is filed the sum of \$5.00 to be collected as hereinabove provided. Such penalty shall not continue to accrue after the suspension or revocation of the license of any such person. Any such person who shall fail to pay any such tax on the day when it shall be due shall forfeit as a penalty an amount equivalent to 5% of the tax to be collected as hereinabove provided. The director, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of any penalty herein imposed.

2. This act shall take effect immediately.

Approved December 4, 1973.

CHAPTER 289

AN ACT providing for State aid for joint provision of services by local units of government, providing for the procedures for granting such aid, and supplementing Title 40 of the Revised Statutes.

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

C. 40:8B-1 Short title.

1. This act shall be known and may be cited as the "Inter-local Services Aid Act."

C. 40:8B-2 Definitions.

2. As used in this act:

a. "Governing body" means the committee, council, commission, board or body by whatever name known having charge of the finances of a local unit. In the case of counties it means the board of chosen freeholders, and in the case of school districts it means the district board of education, whether elected or appointed.

b. "Local unit" means any county, municipality or school district in the State.

c. "Program" or "joint program" means a service, undertaking or operation to be provided or performed in accordance with this act by more than one local unit, whether it is to be performed

through a joint meeting, by one of the local units for another on a contract basis, or in any other manner authorized by law.

d. "Quasi-governmental agency" or "paragovernmental agency" means any local authority or district, or other agency, whether a public agency or a private nonprofit agency or institution, whether or not supported in whole or in part by public funds, which performs a public function or service in any of the following areas: fire protection, first aid, welfare, social services, community development, community or regional planning, or public health.

e. "Joint meeting" means an agency established to provide a service to two or more units under the "Consolidated Municipal Services Act" (P. L. 1952, c. 72; C. 40:48B-1 et seq.).

f. "Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county not having an elected county executive, and the chairman or other presiding officer of any other governing body.

C. 40:8B-3 Authorized uses of funds.

3. The funds appropriated pursuant to this act shall be made available to qualified applicants for the following purposes:

a. to provide a service which, based on the evidence submitted pursuant to section 6 of this act, can only be provided adequately on a joint basis;

b. to provide a service which is currently not being provided at all or which, based on the evidence submitted pursuant to section 6 of this act, is being provided at a level substantially below the minimum needs of the recipients;

c. to promote consolidation of existing service systems to achieve efficiency and economy.

C. 40:8B-4 Authority to apply for grant.

4. a. Any local unit may apply for a grant under this act to provide any or all of the services specified in section 5 of this act jointly with any other local unit or units. A quasi-governmental or paragovernmental agency may also apply to participate in a joint program and receive aid under this act; but such application shall be made through the local unit or units served by or supporting such agency, and all grants to such agency shall be made through such local unit or units.

b. The local units applying for aid may provide the service in any manner authorized by the "Interlocal Services Act" (now pending

before the Legislature as Senate No. 306), the "Consolidated Municipal Services Act" (P. L. 1952, c. 72; C. 40:48B-1 et seq.), or in any other form authorized by law.

C. 40:8B-5 Areas of joint service programs.

5. Applications for joint service program grants may be made covering any or all of the following areas of governmental service:

- a. joint assessment and collection of taxes;
- b. joint maintenance of municipal records and statistics and electronic data processing;
- c. Joint building, housing and plumbing code inspection and enforcement;
- d. joint solid waste collection and disposal;
- e. joint air pollution control inspection and enforcement;
- f. joint welfare and social service programs;
- g. joint maintenance and administration of parks and recreational and cultural facilities;
- h. joint maintenance of roads, public works and beaches;
- i. joint fire departments (Any intermunicipal volunteer department or company shall be eligible to apply pursuant to section 4 of this act, except that any intermunicipal volunteer fire program shall provide for the consolidation of all companies within the municipalities served. Such consolidation shall in no way be deemed to affect municipal aid to fire companies under R. S. 40:47-27. For purposes of such aid, the consolidated company shall be eligible for the full amount of aid which its constituent companies might have received from any municipality had they remained separate entities.);
- j. consolidation of municipal police forces or departments;
- k. joint municipal courts.

C. 40:8B-6 Approved plan of operations required.

6. a. No grant under this act shall be made to any joint program which has not submitted an approved plan of operations based on a feasibility study of the project conducted pursuant to this section. Such feasibility study shall be conducted by or under the supervision of the Department of Community Affairs, either (1) by the Department of Community Affairs or by an agency or agencies of the State of New Jersey approved by the Commissioner of Community Affairs, or (2) by a qualified third party approved by the Department of Community Affairs and by the principal executive officer of any principal executive department of State Government whose approval of such feasibility study is required

by subsection b. of this section and by a majority of $\frac{2}{3}$ or more of the applicant local units. Such plan of operations shall constitute the final element of the feasibility study when approved by the Commissioner of Community Affairs and by any and every principal executive officer of a principal executive department of State Government which exercises jurisdiction over the performance of the services to be provided jointly under the proposed program.

b. Any local units eligible for aid as defined in sections 3 and 4 of this act shall be eligible to apply for funds to conduct a feasibility study under the auspices of the Department of Community Affairs. Application for such shall include: the names of the proposed participants; certified copies of a resolution or substantially similar resolutions passed by the governing bodies of the participating units authorizing such application; the services for which joint programs are contemplated, and the expected benefits of such a joint program. The application shall be in such form and shall also contain such other information as may be required by the Commissioner of Community Affairs.

All grants for feasibility studies shall require the joint approval of the Commissioner of Community Affairs and the principal executive officer of any and every principal executive department of State Government which exercises jurisdiction over the performance of the services to be provided jointly under the proposed program.

c. The feasibility study shall include such detailed surveys of present service standards in the area to be served by the joint program as may be required to establish substantial evidence that a joint program would either enable provision of a needed service which could not otherwise be provided, or remedy existing levels of service provision, or otherwise produce better services at relatively lower unit costs or with more efficient administration, and that such joint programs would not adversely affect neighboring local units, and that no neighboring local unit which might benefit is being excluded from the program; provided that any such local unit claiming exclusion had expressed a desire to be included in the feasibility study by giving written notice of such desire to the Commissioner of Community Affairs within 30 days from the date on which the commissioner made public announcement of the feasibility study grant.

d. Within 1 month of the completion of the feasibility study, the Department of Community Affairs shall hold a public hearing in each local unit to be included in the proposed joint program. After

such hearings and upon submission and approval of a plan based thereon as provided in subsection a. of this section, the joint program shall be eligible for aid under this act. No joint program shall receive aid unless the governing bodies of all participating local units have passed identically worded resolutions ratifying the grant contract between the State and the participating local units.

If the feasibility study shall contain recommendations for establishing a joint service program, within 6 months from the date of the last public hearing on the feasibility study, the governing body of each local unit which participated in the study shall communicate in writing to the Commissioner of Community Affairs stating their intentions of implementing or their specific and detailed objections to implementing each recommendation made in the feasibility study for establishing a joint service plan.

e. The Commissioner of Community Affairs shall, upon formal request by the governing body or chief executive officer of any local unit, cause to be made a preliminary survey as to the eligibility of such local unit and any other local units for State aid under this act with respect to any joint arrangements for provision of services specified or suggested in such request. Such preliminary survey shall be of sufficient scope and detail to enable the commissioner to advise all local units concerned in the projected joint arrangement whether the circumstances warrant detailed feasibility study pursuant to subsections a., b., c. and d. of this section; and the commissioner shall transmit formal notice of the findings and conclusions of such preliminary survey to all the said local units concerned.

C. 40:8B-7 Amount of aid; terms and conditions.

7. a. Local units in joint programs qualifying for aid for the implementation of joint programs under this act shall receive the following aid for 4 years:

(1) if the service provided under the joint agreement is one which the local unit has previously provided, an amount to cover all extraordinary administrative and operating costs incurred by the local unit as a result of implementation of the joint program;

(2) if the service provided under the joint agreement is one which the local unit has not previously provided, an amount equal to 10% of the total costs incurred by the local unit as a result of implementation of the joint program.

b. (1) In those areas in which the approved feasibility study indicates that previous service provided in any participating local

unit was at such a low level that minimum adequacy can be obtained only by substantial upgrading, the Commissioner of Community Affairs is hereby authorized to provide for aid on behalf of that unit in accordance with paragraph (2) of subsection a. of this section rather than paragraph (1).

(2) In the event that a local unit currently providing a service at or above minimum levels as determined by the approved feasibility study enters into a joint agreement with a unit or units eligible for aid under paragraph (2) of subsection a. of this section or under paragraph (1) of this subsection, aid to joint program on behalf of each local unit participating may be given as if all local units had qualified for aid under paragraph (2) of subsection a. of this section or under paragraph (1) of this subsection.

c. Aid payable under this act shall be subject to availability of State appropriations and to a budget estimate approved in advance by the Commissioner of Community Affairs. The local units shall receive such payment for a period not to exceed 4 years from the date of inception of the joint program.

d. (1) For the purposes of this act, "extraordinary operating and administrative costs" shall be deemed to be those operating and administrative costs incurred by a local unit for a service provided through a joint agreement which exceed the operating and administrative costs which it would have incurred for the provision of such service had such joint agreement not been implemented.

(2) For the purposes of this act, "operating and administrative costs" shall not include costs which are considered capital costs as set forth in section 40A:2-22 of the "Local Bond Law" (N. J. S. 40A:2-22); except that the Commissioner of Community Affairs may declare as eligible for aid under this act such costs as in his judgment could reasonably be included within an operating budget notwithstanding the fact that they may be bondable.

(3) The amounts expended for extraordinary operating and administrative costs by each local unit receiving aid pursuant to paragraph (1) of subsection a. of this section, and the amounts expended for total operating and administrative costs by each other local unit receiving aid under this act, as the case may be, shall be certified each year by each local unit participating in a joint program, and approved by the Commissioner of Community Affairs subject to a performance audit performed by or under the auspices of the Department of Community Affairs.

C. 40:8B-8 Payments of aid.

8. Payments of aid moneys shall be made on a quarterly basis by the State Treasurer to the chief financial officer of the local unit or joint meeting charged under the program as approved for aid pursuant to section 6 of this act with providing the services for which the grant is made.

C. 40:8B-9 Rules and regulations.

9. The Commissioner of Community Affairs may issue such rules and regulations as are necessary to effectuate the purposes of this act.

10. There is hereby appropriated for the purposes of this act such sums as may be included in any annual or supplemental appropriation act for such purposes.

11. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 290

AN ACT to amend the "New Jersey Housing Finance Agency Law of 1967," approved May 31, 1967 (P. L. 1967, c. 81), and repealing section 2 of P. L. 1969, c. 265.

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

1. Section 34 of P. L. 1967, c. 81 (C. 55:14J-34) is amended to read as follows:

C. 55:14J-34 Additional powers.

34. In order to carry out the purposes and provisions of this act, the agency, in addition to any powers granted to it elsewhere in this act, shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter the same at pleasure; to maintain an office at such place or places within this State as it may designate; to sue and be sued in its own name;

(b) To conduct examinations and hearings and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of this act;

(c) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such agency, or before one or more of the members of the agency appointed by it to conduct such hearing;

(d) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

(e) To acquire by purchase, gift, foreclosure or condemnation any real or personal property, or any interest therein, to enter into any lease of property and to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage lien interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption, in property foreclosed by it and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law;

(f) To adopt such rules and regulations as shall be expressly authorized by this act and such additional rules and regulations as shall be necessary or desirable to carry out the purposes of this act; it shall publish the same and file them with the Secretary of State;

(g) To borrow money or secure credit on a temporary, short-term, interim or on a long-term basis, and to issue negotiable bonds, bond anticipation notes or other obligations and to provide for the rights of the holders thereof;

(h) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including contracts or agreements with qualified financial institutions for the servicing and processing of mortgage loans pursuant to this act;

(i) To appoint an executive director and such additional officers, who need not be members of the agency as the agency deems advisable, and to employ consulting architects, engineers, attorneys, accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11 of the Revised Statutes, Civil Service;

(j) To receive and accept aid or contributions from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this State for payment of rent supplements to eligible families or for the payment in whole or in part of the interest expense for a housing project or for any other purpose consistent with this act.

(k) To enter into agreements to pay annual sums in lieu of taxes to any political subdivision of the State with respect to any real property owned or operated directly by the agency;

(l) To procure insurance against any loss in connection with its property and other assets (including mortgages and mortgage loans) in such amounts and from such insurers as it deems desirable;

(m) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations of the agency, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the agency is a party;

(n) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations, to enter into contracts with any qualified housing sponsor containing provisions enabling the said qualified housing sponsor to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges where by reason of other income or payment from the agency, any department or agency of the United States or this State, such reductions can be made without jeopardizing the economic stability of the housing project;

(o) To make and collect such fees and charges, including but not limited to payment for all costs of financing by the agency, service charges, mortgage insurance premiums, reserves against losses and reimbursement for advances made to the agency, as it shall determine is reasonable to enable the agency, to the extent feasible, to be self-sustaining;

(p) To invest and reinvest any moneys of the agency not required for immediate use or disbursement and any moneys held in the Housing Finance Fund, reserve funds or sinking funds,

in the same manner as trust funds in the custody of the State Treasurer.

All functions, powers and duties relating to the investment or reinvestment of such funds, including the purchase, sale or exchange of any investments or securities may, upon the request of the agency, be exercised and performed by the Director of the Division of Investment, in accordance with written directions of the agency signed by an authorized officer;

(q) To provide, contract or arrange for, where by reason of the financing arrangement review of the application and proposed construction of a project is required by or in behalf of any department or agency of the United States, consolidated processing of any such application or supervision to avoid duplication thereof by either undertaking the processing in whole or in part for any such department or agency or, in the alternative, delegating the processing in whole or in part to any such department or agency;

(r) To make mortgage loans and to participate with any department or agency of the United States, this State, a municipality, or any banking institution, foundation, labor union, insurance company, trustee or fiduciary in a loan to a qualified housing sponsor secured by a single participating mortgage or by separate mortgages, the interest of each having equal priority as to lien in proportion to the amount of the loan so secured, but need not be equal as to interest rate, time or rate of amortization or otherwise and to undertake commitments to make such loans;

(s) To sell, at public or private sale, with or without bidding, any mortgage or other obligation securing a mortgage loan made by the agency;

(t) To make commitments to purchase, and to purchase, service and sell, mortgages insured by any department or agency of the United States, and to make loans directly upon the security of any such mortgage;

(u) To provide qualified housing sponsors with such advisory consultation, training and educational services as will assist them to plan, construct, rehabilitate and operate housing projects for moderate income families, including but not limited to assistance in community development and organization, home management and advisory services for the residents of the housing projects, and to encourage community organizations to assist in developing such projects;

(v) To encourage research in, and demonstration projects to develop new and better techniques and methods for increasing the supply of housing for moderate income families and to engage in such research and demonstration projects and to receive and accept contributions, grants or aid, from any source, public or private, including but not limited to the United States and this State, for carrying out this purpose; and

(w) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

C. 55:14J-34.1 Repealed.

2. Section 2 of P. L. 1969, c. 265 (C. 55:14J-34.1) is repealed.

3. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 291

AN ACT transferring the New Jersey Mortgage Finance Agency from the Department of Banking to the Department of Community Affairs.

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

C. 52:27D-117 New Jersey Mortgage Finance Agency transferred.

1. The New Jersey Mortgage Finance Agency as established in the Department of Banking by P. L. 1970, c. 38 (C. 17:1B-4 et seq.) is continued and transferred to the Department of Community Affairs.

C. 52:27D-118 Provisions applicable to transfer.

2. The transfer directed by this act shall be effected pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

3. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 292

AN ACT concerning the salaries of sheriffs, and amending N. J. S. 40A:9-104 (P. L. 1971, c. 200).

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

1. N. J. S. 40A:9-104 is amended to read as follows:

Salary of sheriff in certain counties.

40A:9-104. The board of chosen freeholders in each county, by resolution, may fix the salary of the sheriff as follows:

In counties having a population in excess of 600,000, not less than \$12,000.00 or more than \$24,000.00 per annum;

In counties having a population in excess of 400,000, but not more than 600,000 not less than \$12,000.00 or more than \$21,000.00 per annum;

In counties having a population in excess of 190,000, but not more than 400,000, not less than \$10,000.00 or more than \$18,000.00 per annum;

In counties having a population of 190,000 or less, not less than \$5,000.00 or more than \$15,000.00.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of sheriff at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same manner as county officers and employees are paid.

2. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 293

AN ACT to amend "An act concerning the conduct of public hearings relating to proposed changes or curtailment of public passenger transportation service," approved June 21, 1968 (P. L. 1968, c. 72).

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

1. Section 1 of P. L. 1968, c. 72 (C. 48:2-32.3) is amended to read as follows:

C. 48:2-32.3 Public passenger transportation service; changes or curtailment notice.

1. Whenever a State agency shall schedule public hearings relating to proposed changes or curtailment of public passenger transportation service, such hearings shall be conducted in the county or counties whose residents will be most affected by such proposals and in those cases where the proposals relate to commuter passenger service such hearings shall be held during evening hours starting no earlier than 8 p.m. and no later than 8:30 p.m. Notice of such hearings shall be given by the State agency to the board of chosen freeholders of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected; such notice shall also be posted by the State agency in prominent places on the railroad cars and buses serving the routes to be affected.

2. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 294

AN ACT concerning the Department of Public Utilities amending R. S. 48:2-1, R. S. 48:2-5 and R. S. 48:2-8, and supplementing Title 48 of the Revised Statutes.

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

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

Department of Public Utilities; Board of Public Utility Commissioners.

48:2-1. There is hereby established in the Executive Branch of the State Government a principal department which shall be known as the Department of Public Utilities. The Board of Public Utility Commissioners, hereinafter in this chapter designated as the "board," created and established by the act entitled "An act concerning public utilities; to create a board of public utility commissioners and to prescribe its duties and powers," approved April 21, 1911 (L. 1911, c. 195, p. 374), as amended and supplemented, is continued and is designated the head of such principal department.

The board shall consist of three citizens of this State who shall devote their entire time to the duties of the board and shall not engage in any occupation, profession or other gainful employment. Members of the board shall be appointed by the Governor with the advice and consent of the Senate, for terms of 6 years. The terms of office of the members of the board shall continue until their successors are appointed and qualified. No person shall act as a member of the board until his appointment has been confirmed by the Senate. Not more than two of the members of the board shall be members of the same political party. All vacancies, except through the expiration of term, shall be filled for the unexpired term only.

2. R. S. 48:2-5 is amended to read as follows:

Salaries.

48:2-5. The members of the board shall receive annual salaries as follows: President, \$40,000.00; each commissioner, \$38,000.00.

3. R. S. 48:2-8 is amended to read as follows:

Connection with public utilities or governmental office prohibited.

48:2-8. No member or employee of the board shall have any official or professional relation or connection with, or hold any stock or securities in, any public utility as herein defined, operating within this State, or hold any other office of profit or trust under the government of this State or of the United States.

4. Members of the board holding office on the effective date of this act may elect to devote their entire time to the duties of the board and not engage in any other gainful employment and thereby continue to serve the remainder of the unexpired term for which they are appointed, in which case they shall file such a written election with the Governor and the Secretary of State within 10

days after this act is approved by the Governor. Members who do not file such an election shall continue to serve until their full-time successors are appointed and qualified.

5. The salaries fixed pursuant to this act shall be payable beginning with the biweekly pay period next following the effective date of this act. Any sums required to provide additional compensation for the president and each commissioner during the fiscal year in which this act becomes effective shall be paid from funds heretofore appropriated and available to the Department of Public Utilities.

6. This act shall take effect January 1, 1974.

Approved December 6, 1973.

CHAPTER 295

AN ACT concerning county mosquito extermination commissions, and supplementing chapter 9 of Title 26 of the Revised Statutes.

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

C. 26:9-14.1 Additional member of commission.

1. Notwithstanding the provisions of any other law, a county mosquito extermination commission shall be composed of the members appointed pursuant to R. S. 26:9-14 plus one additional member appointed for a term of 3 years.

2. This act shall take effect 30 days after its enactment.

Approved December 6, 1973.

CHAPTER 296

AN ACT concerning general powers of counties and amending
R. S. 40:23-6.

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

1. R. S. 40:23-6 is amended to read as follows:

Membership in association of boards of freeholders.

40:23-6. The board of chosen freeholders may expend a sum not in excess of \$3,000.00 in any 1 year for membership in any association composed exclusively of boards of chosen freeholders.

2. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 297

AN ACT concerning prepayment penalties on mortgage loans and
amending section 2 of P. L. 1968, c. 54 (C. 46:10B-2).

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

1. Section 2 of P. L. 1968, c. 54 (C. 46:10B-2) is amended to read as follows:

C. 46:10B-2 Prepayment fees.

2. Prepayment of a mortgage loan may be made by or on behalf of a mortgagor at any time, and the holder of the mortgage loan shall be entitled to charge and collect a fee for the exercise of the right of such prepayment according to the following schedule:

(a) If prepayment is made within the first year from the date of such mortgage loan, the prepayment fee shall not exceed 3% of the face amount of the mortgage loan;

(b) If prepayment is made on or after 1 year from the date of the mortgage plan, but within 2 years from such date, the prepayment fee shall not exceed 2% of the face amount of the mortgage loan;

(c) If prepayment is made on or after 2 years from the date of the mortgage loan, but within 3 years from such date, the prepay-

ment fee shall not exceed 1% of the face amount of the mortgage loan;

(d) If prepayment is made on or after 3 years from the date of the mortgage loan, no fee shall be charged or collected therefor.

2. This act shall take effect immediately.

Approved December 6, 1973.

CHAPTER 298

AN ACT to amend the "New Jersey Automobile Reparation Reform Act," approved June 20, 1972 (P. L. 1972, c. 70).

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

1. Section 15 of P. L. 1972, c. 70 (C. 39:6A-15) is amended to read as follows:

C. 39:6A-15 Penalties for false and fraudulent representation.

15. Penalties for false and fraudulent representation and for failure to maintain insurance coverage.

In any claim or action arising under section 4 of this act wherein any person, obtains or attempts to obtain from any other person, insurance company or Unsatisfied Claim and Judgment Fund any money or other thing of value by (1) falsely or fraudulently representing that such person is entitled to benefits under section 4 or, (2) falsely and fraudulently making statements or presenting documentation in order to obtain or attempt to obtain benefits under section 4 or, (3) cooperates, conspires or otherwise acts in concert with any person seeking to falsely or fraudulently obtain, or attempt to obtain, benefits under section 4 may upon conviction be fined not more than \$5,000.00, or imprisoned for not more than 3 years or both, or in the event the sum so obtained or attempted to be obtained is not more than \$500.00, may upon conviction, be fined not more than \$500.00, or imprisoned for not more than 6 months or both, as a disorderly person.

2. This act shall take effect immediately.

Approved December 7, 1973.

CHAPTER 299

AN ACT concerning physical development policies within the city of Trenton, and creating a "Capital City Development Commission."

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

C. 52:9Q-1 Commission created.

1. There is hereby created a commission to be known as the "Capital City Development Commission."

C. 52:9Q-2 Membership, terms, compensation.

2. The commission shall consist of nine members: one person appointed by the Governor, who shall be responsible to keep him advised of the work and recommendations of the commission; the Commissioner of the Department of Community Affairs; the Commissioner of the Department of Transportation; the State Treasurer; the Mayor of the city of Trenton; the Director of the Trenton Department of Planning and Development; the Business Administrator of the city of Trenton; the Director of the Mercer County Board of Chosen Freeholders, and the Director of the Mercer County Department of Planning and Development. The member appointed by the Governor shall serve at the pleasure of the Governor, and the other members shall serve during the term of the office by virtue of which they hold membership on the commission. The members shall serve without compensation in connection with the performance of their official duties as members of the commission.

C. 52:9Q-3 Officers; organization.

3. The member appointed by the Governor shall act as chairman of the commission, and the Mayor of the city of Trenton shall act as vice-chairman of the commission. The commission shall organize as soon as possible after the appointment of the member appointed by the Governor.

C. 52:9Q-4 Secretary of commission; duties.

4. The Commissioner of the Department of Community Affairs shall act as the secretary of the commission. He shall be responsible for notifying all members of the time and place of each meeting and for properly recording and disseminating to all members the

minutes of all meetings of the commission. In carrying out these duties, he may utilize the personnel and resources of the Department of Community Affairs.

C. 52:9Q-5 Meetings.

5. The commission shall meet at least three times each calendar year, at such times and places as the chairman shall designate. The chairman shall, however, call a special meeting of the commission if requested to do so in writing by three members of the commission.

C. 52:9Q-6 Rules of procedure.

6. The commission may formulate and adopt rules of procedure for the government of the commission in exercising its powers and fulfilling its duties.

C. 52:9Q-7 Duties of commission.

7. The commission shall coordinate State, county and city physical development policies relating to the city of Trenton and recommend courses of action in areas where the city of Trenton and the State of New Jersey have a common interest because of the presence of the State capital within the city; provided, however, that nothing herein shall be construed to vest in the commission any authority or power to interdict, prohibit or infringe on the sovereign right of the State to construct future buildings, or to enjoin any action on any proposed plan for construction by the State of New Jersey.

C. 52:9Q-8 Services of governmental agencies.

8. The commission may avail itself of the assistance and services of such employees of any authority, department, board, bureau, commission, or agency of the State, Mercer county or the city of Trenton as it may require for the performance of its duties. The commission is further authorized to designate staff personnel from the members' respective departments to meet, on a regular basis or as specially designated by the commission, for the purpose of reviewing problems being discussed by the commission, coordinating efforts for the solution of these problems, and exchanging information.

9. This act shall take effect immediately.

Approved December 7, 1973.

CHAPTER 300

AN ACT concerning salary ranges for certain offices and positions in the judicial branch of State Government and amending P. L. 1970, c. 105.

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

1. Section 3 of P. L. 1970, c. 105 (C. 2A:1A-3) is amended to read as follows:

C. 2A:1A-3 Salary ranges for certain offices and positions.

3. Salary ranges for the following offices and positions in the judicial branch are fixed and established as follows:

Title	Salary Range	
	Minimum	Maximum
Standing master of the Supreme Court . . .	\$30,335	\$39,437
Administrative director of the courts	31,852	41,410

2. This act shall take effect immediately.

Approved December 7, 1973.

CHAPTER 301

AN ACT concerning the administrative office of the courts and amending N. J. S. 2A:12-1.

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

1. N. J. S. 2A:12-1 is amended to read as follows:

Administrative office of the courts; administrative director; deputy director.

2A:12-1. There shall be a State office to be known as the administrative office of the courts with an administrative director appointed by the Chief Justice of the Supreme Court pursuant to Article VI, Section 7, paragraph 1, of the Constitution, as the head thereof and a deputy administrative director also appointed

by the Chief Justice. The administrative director and the deputy director shall be, and shall have been for not less than 3 years immediately prior to their appointment, bona fide residents of this State. The compensation, duties and functions of the director and deputy director shall be fixed by the Chief Justice or as otherwise provided by law. The director shall cause a seal of office to be made in such design as the Chief Justice shall approve and judicial notice shall be taken of the seal.

2. This act shall take effect immediately.

Approved December 7, 1973.

CHAPTER 302

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, 1974 and regulating the disbursement thereof," approved June 26, 1973 (P. L. 1973, c. 188).

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

1. The following additional sum is hereby appropriated out of the General State Fund, for the purposes herein specified:

970. THE JUDICIARY

To provide for needed staffing, personnel and other related expenses including furniture, equipment and supplies for operations, support services and administration of the Judiciary	\$409,000
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2. This act shall take effect immediately.

Approved December 7, 1973.

CHAPTER 303

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, 1974 and regulating the disbursement thereof,” approved June 26, 1973 (P. L. 1973, c. 188).

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

1. There is hereby appropriated out of the General Treasury, the following:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
MANAGEMENT AND GENERAL SUPPORT
49200. SOUTH JERSEY PORT CORPORATION

Extraordinary:

Supplemental requirement for fiscal year 1973-74 for the South Jersey Port Corporation Debt Service Reserve Fund, pursuant to C. 12:11A-14	\$139,204
Total Appropriation	<u>\$139,204</u>

2. This act shall take effect immediately.

Approved December 7, 1973.

CHAPTER 304

AN ACT to amend and supplement “An act establishing the judicial retirement system, specifying contributions to be paid and benefit rights therein; and repealing sundry acts and parts of acts,” approved May 22, 1973 (P. L. 1973, c. 140).

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

1. Section 3 of P. L. 1973, c. 140 (C. 43:6A-3) is amended to read as follows:

C. 43:6A-3 Definitions.

3. As used in this act:

a. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

b. "Child" means a deceased member's or retirant's unmarried child who is either (a) under the age of 18 (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board or (c) under the age of 21 and is attending school full time.

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

d. "Final salary" means the average salary received by the member in the last 12 months of service preceding his retirement or death, except that for the purpose of the benefits provided to a surviving widow and children pursuant to section 17 a. of P. L. 1973, c. 140 (C. 43:6A-17) "final salary" means the annual salary received by the member at the time of his retirement or death.

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

f. "Medical board" means the board of physicians provided for in section 29 of this act.

g. "Member" means the Chief Justice and associate justices of the supreme court, judges of the superior court, county courts, county district courts and juvenile and domestic relations courts of the State of New Jersey required to be enrolled in the retirement system established by this act.

For purposes of this act, the person holding the office of standing master by appointment pursuant to P. L. 1948, c. 382 or N. J. S. 2A:1-7 shall have the same privileges and obligations under this act as a judge of a county court.

h. "Parent" means the parent of a member who was receiving

at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

i. "Pension" means payment for life derived from contributions by the State.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension computed on the basis of such mortality tables recommended by the actuary as shall be adopted by the State House Commission with regular interest.

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

l. "Retirant" means any former member receiving a pension as provided by this act.

m. "Retirement system" herein refers to the "Judicial Retirement System of New Jersey," which is the corporate name of the arrangement for the payment of pensions and other benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

n. "Service" means public service rendered for which credit is allowed on the basis of contributions made by the State.

o. "Several courts" means the Supreme, Superior, County, county district and juvenile and domestic relations courts.

p. "Widow" means the woman to whom a member or a retirant was married at least 4 years before the date of his death and to whom he continued to be married until the date of his death. The eligibility of such a widow to receive a survivor pension benefit will be considered terminated by the marriage of the widow subsequent to the member's or the retirant's death. In the event of accidental death the 4-year qualification shall be waived. When used in this act, the term "widow" shall mean and include "widower" as may be necessary and appropriate to the particular situation.

q. "Widower" means the man to whom a member or a retirant was married at least 4 years before the date of her death and to whom she continued to be married until the date of her death. The eligibility of such a widower to receive a survivor pension benefit will be considered terminated by the marriage of the widower subsequent to the member's or retirant's death. In the event of accidental death the 4-year qualification shall be waived.

2. Section 7 of P. L. 1973, c. 140 (C. 43:6A-7) is amended to read as follows:

C. 43:6A-7 Retirement upon reaching age 70.

7. Any member of the retirement system who has reached the age of 70 years shall be retired forthwith. Any other eligible member of the retirement system may be retired on the first day of the next calendar month subsequent to the filing of a written and duly executed application with the retirement system. Such application shall be accompanied by a copy of the member's resignation from his judicial office which he has filed in the office of the Secretary of State.

3. Section 12 of P. L. 1973, c. 140 (C. 43:6A-12) is amended to read as follows:

C. 43:6A-12 Retirement for disability.

12. Whenever the Supreme Court shall certify to the Governor, any member who shall have served as a judge of the several courts, may be retired for disability if the member has become physically or otherwise incapacitated for full and efficient service to the State in his judicial capacity. The Governor shall thereupon refer the disability claim to three physicians of skill and repute in their profession and residents of this State who shall examine the member and report to the Governor as to his physical or other disability and whether in all reasonable probability, if they find the disability existent, it will continue permanently and does and will continue to prevent the member from giving full and efficient service in the performance of his judicial duties. If the report confirms the existence of the disability, and if the Governor approves the report, the member shall be retired not less than 1 month next following the date of filing of an application with the retirement system, and he shall receive an annual pension during the remainder of his life in an amount equal to three-fourths of his final salary.

4. Section 16 of P. L. 1973, c. 140 (C. 43:6A-16) is amended to read as follows:

C. 43:6A-16 Amount and payment of pensions.

16. All pensions granted under the provisions of this act shall be effective on the first day following retirement, shall be paid in equal monthly installments, except that in those instances where payment is required for a portion of a month which is not complete a pro rata payment shall be made, and shall not be decreased, increased, revoked or repealed, except as otherwise provided in this act.

Upon the death of a retirant, any unpaid benefits due him shall be paid in one lump sum to his beneficiary. No pension shall be due to a retirant or a beneficiary unless it constitutes a payment for an entire month.

C. 43:6A-9.1 Retirement for judicial service and other public service upon reaching age 60.

5. Any judge of the several courts who shall have attained the age of 60 years or more and who shall have served at least 5 years successively as a judge of the several courts and at least 15 years in the aggregate including such service as a judge or in office position or employment of this State or a county, municipality, board of education, or public agency of this State may retire provided that election is communicated by such judge to the retirement system by filing a written application duly attested stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive a pension in the amount of 2% of his final salary multiplied by his number of years of service up to 25 plus 1% of his final salary multiplied by his number of years of service over 25.

The State House Commission shall retire him at the time specified or at such other time within 1 month after the date so specified as the commission finds advisable.

C. 43:6A-9.2 Retirement upon reaching age 60.

6. Any judge of the several courts who shall have attained the age of 60 years or more while serving as such judge may retire provided that such election is communicated by such member to the retirement system by filing a written application duly attested stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive a pension in the amount of

2% of his final salary multiplied by his number of years of judicial service up to 25 plus 1% of his final salary multiplied by his number of years of service over 25.

The State House Commission shall retire him at the time specified or at such other time within 1 month after the date so specified as the commission finds advisable.

C. 43:6A-14.1 Election to terminate or continue membership in other retirement systems.

7. a. Any judge who is required to be a member of the retirement system and who is receiving a retirement allowance or pension from a retirement system established pursuant to any other law of this State may elect to terminate his retirement status in such other system by filing a proper form waiving all of his rights and privileges in such other system or he may elect to continue the receipt of his retirement allowance or pension by filing a proper form with the Judicial Retirement System expressing his final and irrevocable intention not to enroll as a member of the Judicial Retirement System. Such waivers must be filed within 90 days from the date of his appointment.

b. The judge who elects to enroll in the Judicial Retirement System after having received benefits from a retirement system established pursuant to another law of this State shall be entitled to receive the value of his contributions, without interest, to such other retirement system reduced by the value of any benefits received from such retirement system.

c. The judge who elects to enroll in the Judicial Retirement System shall be eligible for all the benefits of the system and receive credit for all public service which would otherwise be credited to the account of any other member.

8. This act shall take effect immediately and shall apply retroactively to May 22, 1973.

Approved December 7, 1973.

CHAPTER 305

AN ACT concerning education and supplementing chapter 54 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:54-37 Exemption of certain municipalities from assessment or collection of certain taxes.

1. Notwithstanding any of the provisions of chapter 54 of Title 18A of the New Jersey Statutes, in any county of the first class having a population of not more than 700,000 according to the 1970 Federal Census, each municipality included within a school district which has maintained for a minimum of 20 years a vocational education program approved for the purposes of Federal or State allotment of vocational funds by the Commissioner of Education under the regulation of the State Board of Education shall be exempt from assessment, levy or collection of taxes based on any apportionment of amounts appropriated for the use of a county vocational school district.

2. This act shall take effect immediately.

Approved December 14, 1973.

CHAPTER 306

AN ACT concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law.

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

C. 2A:4-42 Purposes.

1. Purposes. This act shall be construed so as to effectuate the following purposes:

a. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of juveniles coming within the provisions of this act;

b. Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefor an adequate program of supervision, care and rehabilitation;

c. To separate juveniles from the family environment only when necessary for their health, safety or welfare or in the interests of public safety.

C. 2A:4-43 General definitions.

2. General definitions. As used in this act:

a. "Juvenile" means an individual who is under the age of 18 years.

b. "Adult" means an individual 18 years of age or older.

c. "Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition.

d. "Shelter care" means the temporary care of juveniles in facilities without physical restriction pending court disposition.

e. "Commit" means to transfer legal custody to an institution.

f. "Guardian" means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent.

C. 2A:4-44 Definition of delinquency.

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

a. A homicide or act of treason;

b. A high misdemeanor or misdemeanor;

c. A disorderly persons offense; or

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

But, the commission of an act which constitutes a violation of chapters 3, 4, 6 or 8 of Title 39, Motor Vehicles, of the Revised Statutes, or of any amendment or supplement thereof, by a juvenile of or over the age of 17 years shall not constitute delinquency as defined in this act.

C. 2A:4-45 Definition of "juvenile in need of supervision."

4. Definition of "juvenile in need of supervision." As used in this act, "juvenile in need of supervision" means:

a. A juvenile who is habitually disobedient to his parent or guardian;

- b. A juvenile who is ungovernable or incorrigible;
- c. A juvenile who is habitually and voluntarily truant from school; or
- d. A juvenile who has committed an offense or violation of a statute or ordinance applicable only to juveniles.

Evidence of conduct which is ungovernable or incorrigible may include but shall not be limited to:

- (1) habitual vagrancy,
- (2) immorality,
- (3) knowingly visiting gambling places, or patronizing other places or establishments, the juvenile's admission to which constitutes a violation of law,
- (4) habitual idle roaming of the streets at night,
- (5) deportment which endangers the juvenile's own morals, health or general welfare.

C. 2A:4-46 Exclusive jurisdiction of juvenile and domestic relations court.

5. Exclusive jurisdiction of juvenile and domestic relations court.

a. Except as stated in sections 7 and 8 of this act, the juvenile and domestic relations court shall have exclusive jurisdiction in all cases where it is charged that a juvenile has committed an act of delinquency or is in need of supervision.

b. The juvenile and domestic relations court shall have jurisdiction in respect to the custody of any juvenile who may be held as a material witness in any case pending in the juvenile and domestic relations court. Whenever a juvenile is a material witness in any other court, the procedures established by this act shall be followed.

c. Nothing in this act shall affect the jurisdiction of other courts over offenses committed after a juvenile under the jurisdiction of the juvenile and domestic relations court reaches the age of 18 years.

C. 2A:4-47 Transfer from other courts.

6. Transfer from other courts. Except as provided in section 3, and unless jurisdiction has been waived under section 7, if during the pendency in any other court of a case charging a person with a crime, offense or violation, it is ascertained that such person was a juvenile at the time of the crime, offense or violation charged, such court shall immediately transfer such case to the juvenile and domestic relations court having jurisdiction. The juvenile and domestic relations court shall thereupon proceed in the same man-

ner as if the case had been instituted in that court in the first instance.

C. 2A:4-48 Referral to other court without juvenile's consent.

7. Referral to other court without juvenile's consent. The juvenile and domestic relations court may, without the consent of the juvenile, waive jurisdiction over a case and refer that case to the appropriate court and prosecuting authority having jurisdiction if it finds, after hearing, that:

a. The juvenile was 16 years of age or older at the time of the charged delinquent act;

b. There is probable cause to believe that the juvenile committed a delinquent act which would constitute homicide, treason if committed by an adult or committed an offense against the person in an aggressive, violent and willful manner or committed a delinquent act which would have been a violation of section 19 of the Controlled Dangerous Substances Act (P. L. 1970, c. 226; C. 24:21-19) if committed by an adult and the juvenile, at the time he committed the act, was not addicted to a narcotic drug as that term is defined in section 2 of the Controlled Dangerous Substances Act (P. L. 1970, c. 226; C. 24:21-2); and

c. The court is satisfied that adequate protection of the public requires waiver and is satisfied there are no reasonable prospects for rehabilitation of the juvenile prior to his attaining the age of majority by use of the procedures, services and facilities available to the court.

C. 2A:4-49 Referral to other court at election of juvenile.

8. Referral to other court at election of juvenile. Any juvenile, 16 years of age or older, charged with delinquency may elect to have the case transferred to the appropriate court having jurisdiction.

C. 2A:4-50 Effect of referral to other court.

9. Effect of referral to other court. Whenever a case is referred to another court as provided by section 7 or 8, that case shall thereafter proceed in the same manner as if the case had been instituted in that court in the first instance.

C. 2A:4-51 Use of juvenile's testimony at referral hearing.

10. Use of juvenile's testimony at referral hearing. No testimony of a juvenile at a hearing pursuant to section 7 shall be admissible for any purpose in any hearing to determine delinquency or guilt of any offense.

C. 2A:4-52 Retention of jurisdiction.

11. Retention of jurisdiction. a. The court shall retain jurisdiction over any case in which it has entered a disposition under subsections g. or h. of section 20 for the duration of that disposition and may at any time, in accordance with the Rules of Court, reconsider the disposition of commitment and substitute any disposition available to it under section 20, other than under subsection h. of section 20.

b. The juvenile and domestic relations court shall retain jurisdiction over any case in which it has entered a disposition under subsection c. of section 20 or section 21 and may at any time for the duration of that disposition, if after hearing, it finds violation of the conditions of the order of disposition, substitute any other disposition which it might have made originally.

c. The juvenile and domestic relations court may by its order retain jurisdiction in any other case.

C. 29:4-53 Complaints.

12. Complaints. a. Complaints charging delinquency may be signed by any person who has knowledge of the facts alleged to constitute delinquency or is informed of such facts and believes that they are true.

b. Complaints charging that a juvenile is in need of supervision may be signed by any of the following: a representative of a public or private agency authorized to provide care or supervision of juveniles; a representative of a public or private agency providing social services for families or children; a school official; a law enforcement, correction or probation officer; or a parent or guardian.

c. Complaints shall be in such form as prescribed by the Rules of Court.

C. 2A:4-54 Taking into custody.

13. Taking into custody. a. A juvenile may be taken into custody:

(1) Pursuant to an order or warrant of the juvenile and domestic relations court or other court having jurisdiction; or

(2) For delinquency, when there has been no process issued by a court, a law enforcement officer may take any juvenile into custody without process, pursuant to the laws of arrest and the Rules of Court.

b. A juvenile may be taken into custody if the law enforcement officer has reasonable cause to believe that the juvenile is in need of supervision.

c. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well being of the juvenile.

C. 2A:4-55 Release from custody; notice to parents.

14. Release from custody; notice to parents. a. Any person taking a juvenile into custody shall immediately notify the parents, or the juvenile's guardian, if any, that the juvenile has been taken into custody.

b. A person taking a juvenile into custody shall comply with the Rules of Court relating thereto.

C. 2A:4-56 Criteria for placing juvenile in detention or shelter care.

15. Criteria for placing juvenile in detention or shelter care. a. Where it will not adversely affect the health, safety or welfare of a juvenile, he or she shall be released pending the disposition of a case to one or both parents or guardian, if any, upon assurance being received that such responsible person or persons accept responsibility for the juvenile and will bring him before the juvenile and domestic relations court as ordered.

b. A juvenile charged with delinquency may not be placed or retained in detention under this act prior to disposition, except as otherwise provided by law, unless:

(1) Detention is necessary to secure the presence of the juvenile at the next hearing; or

(2) The nature of the conduct charged is such that the physical safety of the community would be seriously threatened if the juvenile were not detained.

c. A juvenile may not be placed or retained in shelter care prior to disposition unless:

(1) There is no appropriate adult custodian who agrees to assume responsibility for the juvenile, and the release on the basis of a summons to the juvenile is not appropriate; or

(2) Shelter care is necessary to protect the health or safety of the juvenile; or

(3) Shelter care is necessary to secure his presence at the next hearing; or

(4) The physical or mental condition of the juvenile makes his immediate release impractical.

C. 2A:4-57 Place of detention or shelter.

16. Place of detention or shelter. a. The State Department of Institutions and Agencies shall specify the place where:

- (1) A juvenile may be detained; and
- (2) Where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Institutions and Agencies as provided in a. (1) and (2) above.

c. A juvenile, being held for a charge under this act, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility.

C. 2A:4-58 Detention or shelter care hearing.

17. Detention or shelter care hearing. a. When a juvenile is taken into custody a complaint shall be filed forthwith as provided by the Rules of Court. The juvenile and domestic relations court shall determine whether detention or shelter care is required.

b. Notice of the detention or shelter care hearing, either oral or written, stating the time, place, and purpose of the hearing shall be given to the juvenile and to his or her parent or parents, or guardian, if any, if they can be found.

c. The detention or shelter care hearing shall be conducted in accordance with the Rules of Court and shall be attended by the juvenile and one or both parents, or guardian, but may take place in the absence of parent or guardian if such notice or process fails to produce their attendance.

d. When the judge finds that detention or shelter care is not necessary or required, the court shall order the juvenile's release and may place such conditions, if any, upon release as are consistent with the purposes of this act and the Rules of Court.

C. 2A:4-59 Right to counsel.

18. Right to counsel. A juvenile shall have the right to be represented by counsel at every critical stage in the proceeding as provided by the Rules of Court.

C. 2A:4-60 No jury trial for juveniles.

19. No jury trial for juveniles. All defenses available to an adult charged with a crime, offense or violation shall be available to a juvenile charged with committing an act of delinquency.

All cases arising under this act not referred as provided by sections 7 or 8 shall be heard and decided by the juvenile and

domestic relations court without a jury. The right to be secure from unreasonable searches and seizures, the right not to be placed twice in jeopardy for the same offense, and the right of due process of law shall be applicable in cases arising under this act as in cases of persons charged with crime.

C. 2A:4-61 Disposition of delinquency cases.

20. Disposition of delinquency cases. If a juvenile is adjudged delinquent the juvenile and domestic relations court may order any of the following dispositions:

a. Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; or

b. Release the juvenile to the supervision of his or her parent or guardian; or

c. Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed 3 years upon such written conditions as the court deems will aid rehabilitation of the juvenile; or

d. Transfer custody of the juvenile to any relative or other person determined by the probation department to be qualified to care for the juvenile; or

e. Place the juvenile under the care of the Division of Youth and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c) (C. 30:4C-2 (c)).

f. Place the juvenile under the care and custody of the Commissioner of the Department of Institutions and Agencies for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P. L. 1965, c. 59, s. 16 (C. 30:4-25.4); or

g. Commit the juvenile to a suitable institution for the treatment of mental illness if after hearing it is determined from psychiatric evidence that the juvenile does or may constitute a danger to himself or to other persons if not so committed; or

h. Commit the juvenile to a suitable institution maintained for the rehabilitation of delinquents for an indeterminate term not to exceed 3 years; except, that, any time an adjudication of juvenile delinquency is predicated upon an offense which, if committed by a person of the age of 18 years or over would constitute any form

of homicide as defined in N. J. S. A. 2A :113-1, 2A :113-2, 2A :113-4 or 2A :113-5 then the period of confinement shall be indeterminate and shall continue until the appropriate paroling authority determines that such person should be paroled ; and, except that in any case the period of confinement and parole shall not exceed the maximum provided by law for such offense if committed by a person of the age of 18 years or over.

Any juvenile committed under this act who is released on parole prior to the expiration of his maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term.

i. Such other disposition not inconsistent with this act as the court may determine.

C. 2A:4-62 Disposition of cases of juveniles.

21. Disposition of cases of juveniles in need of supervision.
a. If a juvenile is adjudged to be in need of supervision the juvenile and domestic relations court may order any disposition provided for in the disposition of delinquency cases, except subsection h. of section 20.

b. No juvenile in need of supervision shall be committed to or placed in any institution or facility established for the care of delinquent children or in any facility, other than an institution for the mentally retarded, a mental hospital or facility for the care of persons addicted to controlled dangerous substances, which physically restricts such juvenile committed to or placed in it.

C. 2A:4-63 Termination of orders of disposition.

22. Termination of orders of disposition. Any order of disposition entered in a case under this act shall terminate when the juvenile who is the subject of the order attains the age of 18, or 1 year from the date of the order whichever is later unless such order is pursuant to subsection h. of section 20 or is sooner terminated by its terms or by order of the juvenile and domestic relations court.

C. 2A:4-64 Effect of disposition.

23. Effect of disposition. No disposition under this act shall operate to impose any of the civil disabilities ordinarily imposed by virtue of a criminal conviction, nor shall a juvenile be deemed a criminal by reason of such disposition.

The disposition of a case under this act shall not be admissible against the juvenile in any criminal or penal case or proceeding in any other court except for consideration in sentencing.

C. 2A:4-65 Disclosure of juvenile records; penalties for disclosure.

24. Disclosure of juvenile records: penalties for disclosure.

a. Social, medical, psychological, legal and other records of the court and probation department, and records of law enforcement agencies, pertaining to juveniles charged under this act, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

- (1) Any court or probation department;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Division of Youth and Family Services, if providing care or custody of the juvenile;
- (5) Any institution to which the juvenile is currently committed; and
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown.

b. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly person's offense.

C. 2A:4-66 Fingerprints, photographs of juveniles.

25. Fingerprints, photographs of juveniles. a. Fingerprints of a juvenile under age 16 may be taken only in the following circumstances:

(1) Where latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may fingerprint the juvenile for the purpose of comparison with the latent fingerprints.

(2) Where a juvenile is detained in or committed to an institution, that institution may fingerprint the juvenile for the purpose of identification.

b. All records or copies of the fingerprints of juveniles shall be retained by the department, agency or institution taking them and shall be forwarded to the court for destruction when the court determines that the purpose for the taking of the fingerprints has been fulfilled, except that fingerprints taken of a juvenile of more than 16 years of age may be retained by a law enforcement agency for criminal identification purposes if such juvenile is adjudged delinquent.

c. No juvenile under the age of 16 shall be photographed for criminal identification purposes without the consent of the juvenile and domestic relations court.

C. 2A:4-67 Sealing of records.

26. Sealing of records. a. On motion of a person who has been the subject of a complaint filed under this act or on its own motion, the juvenile and domestic relations court may vacate its order and findings and order the nondisclosure of social, medical, psychological, legal and other records of the court and probation services, and records of law enforcement agencies if it finds:

(1) Two years have elapsed since the final discharge of the person from legal custody or supervision, or 2 years have elapsed after the entry of any other court order not involving custody or supervision; and

(2) He has not been convicted of a crime, or a disorderly person's offense or adjudged delinquent, or in need of supervision, during the 2 years prior to the filing of the motion, and no proceeding or complaint is pending seeking such conviction or adjudication.

b. In any case wherein an adjudication has been entered upon the status of a juvenile under 18 years of age, and said juvenile intends to enlist in any branch of the Armed Forces of the United States, he may at any time after the date of such adjudication present a duly verified petition to the court wherein such adjudication was entered, setting forth all the facts in the matter, including his intention to enlist in said armed forces, and praying for the relief provided in this section and subject to the limitations hereinafter provided in this section, an order may be granted to seal all the records concerning such adjudication including records of the court, probation services and law enforcement agencies.

c. Reasonable written notice of the motion shall be given to:

(1) The Attorney General and the county prosecutor;

(2) The authority granting the discharge if the final discharge was from an institution, parole, or probation; and

(3) The law enforcement office, department, and central depository having custody of the files and records if such files and records are included in the motion.

d. Upon the entry of the order, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record" and law enforcement officers and departments shall reply and the person may reply to any inquiry that there is no record with respect to such person, except that

records may be maintained for purposes of prior offender status. This section shall not apply to reports required under the Controlled Dangerous Substances Registry Act of 1970, P. L. 1970, c. 227 (C. 26:2G-17 et seq.). Copies of the order shall be sent to each agency or official named therein.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion and only to those persons named in the motion; provided, however, the court, in its discretion, may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the person under care or treatment or to individuals or agencies engaged in fact-finding or research.

e. Any adjudication of delinquency or in need of supervision or conviction of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

C. 2A:4-68 Repealer.

27. The following sections are hereby repealed:

N. J. S. 2A:4-14 to 2A:4-17, inclusive, 2A:4-20, 2A:4-21, 2A:4-32, 2A:4-33, 2A:4-35, 2A:4-37, 2A:4-39; R. S. 30:4-157.3 and P. L. 67, c. 308 (C. 2A:4-39.1).

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

Approved December 14, 1973.

CHAPTER 307

AN ACT concerning snowmobiles and providing for their registration and regulating the operation thereof.

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

C. 39:3C-1 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of Environmental Protection of the Department of Environmental Protection.

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

c. "Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

d. "Special event" means an organized race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

C. 39:3C-2 Implementation of act.

2. For the purpose of carrying out the provisions of this act:

a. the director shall have the power, duty and authority to administer and enforce all statutes, rules and regulations, except as otherwise provided by statute, relating to the operation and use of snowmobiles on or across a public highway or on public lands or waters, including but not limited to the following:

- (1) registration, identification, numbering and classification
- (2) equipment
- (3) standards of safety
- (4) educational programs
- (5) promulgate rules and regulation to effectuate the purposes of this act.

b. the Commissioner of Environmental Protection shall have the power, duty and authority to administer and enforce all statutes, rules and regulations, except as otherwise provided by statute, relating to snowmobiles on the public lands and waters under the jurisdiction of the Department of Environmental Protection.

C. 39:3C-3 Registration of snowmobiles; fees.

3. Except as otherwise provided, no snowmobile shall be operated or permitted to be operated on or across a public highway or on public lands or waters of this State unless registered by the owner thereof as provided by this act. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety is authorized to register and assign a registration number to snowmobiles, upon application and payment of the appropriate fee in accordance with the following schedule:

- a. for each individual resident registration, \$5.00 annually;
- b. for each individual nonresident registration, \$7.00 annually;
- c. for replacement of lost, mutilated or destroyed certificate, \$3.00;

d. for a duplicate registration, \$1.00 at the time of issuance.

All such registrations shall be valid for a period of 1 year unless, prior to expiration of the 1-year period, it is surrendered, canceled, revoked or suspended pursuant to the provisions of this act.

C. 39:3C-4 Assignment of registration number.

4. Once a registration number is assigned, it shall remain with the registered snowmobile until the snowmobile is destroyed, abandoned or permanently removed from the State, or until changed or terminated by the director.

C. 39:3C-5 Issuance of registrations; inspection of certificate; display of number.

5. Such registrations shall be issued by the director or by agents as designated by him when a snowmobile is operated across a public highway or on public lands or waters and shall be in such form as the director shall prescribe. The registration certificate shall be subject to inspection by any law enforcement officer on demand and shall be on the vehicle at all times when in operation.

The registration number assigned to any snowmobile shall be displayed on each side of the vehicle in such form, location and manner as prescribed by the director.

Whenever ownership is transferred or the use of a snowmobile for which a registration certificate has already been issued is discontinued, the old registration shall be properly signed and executed by the owner, showing that the ownership of the snowmobile has been transferred or its use discontinued, and returned to the director within 10 days of said event. If there is a change of ownership of a snowmobile for which a registration certificate has been previously issued, the new owner shall apply for a new registration certificate and set forth the original number in the application. He shall pay the regular fee for the particular snowmobile involved. The owner of any registration certificate issued under this section may obtain a duplicate from the division upon application and payment of the fee prescribed.

C. 39:3C-6 Snowmobiles operated on private property or owned by governmental agencies.

6. a. No registration shall be required for a snowmobile operated on private property.

b. No registration fee shall be charged for a snowmobile owned by the Federal Government, the State, county or municipal government or subdivision thereof.

C. 39:3C-7 Application of provisions to nonresident owners.

7. The registration provisions of this act shall not apply to nonresident owners who have complied with the registration and licensing laws of the state or country of residence, provided that the snowmobile is appropriately identified in accordance with the laws of the state of residence and conspicuously displays the registration number issued by the state or country of residence. Nothing in this section shall be construed to authorize the operation of any snowmobile contrary to the provisions of this act.

C. 39:3C-8 Manner of display of registration number.

8. The registration numbers assigned to a snowmobile shall be displayed on the vehicle at all times in such manner as the director may, by regulation, prescribe. No number other than the number assigned to a snowmobile by the director or the identification number of the registration in another state, shall be painted, attached or otherwise displayed on either side of the cowling except that racing numbers on a snowmobile being operated in prearranged organized special events may be temporarily displayed for the duration of the race.

C. 39:3C-9 Inspection of certificate of registration.

9. Every person operating a snowmobile registered or transferred in accordance with any of the provisions of this act shall upon demand of any peace officer, law enforcement officer, duly authorized official of the Department of Environmental Protection, police officer or motor vehicle inspector, produce for inspection the certificate of registration for such snowmobile and shall furnish to such officer any information necessary for the identification of such snowmobile and its owner. The failure to produce the certificate of registration when operating a snowmobile on public lands and waters or when crossing a public highway shall be presumptive evidence in any court of competent jurisdiction of operating a snowmobile which is not registered as required by this act.

C. 39:3C-10 Notice of change of residence.

10. It shall be the duty of every owner holding a certificate of registration to notify the division, in writing, of any change of residence of such person within 7 days after such change occurs.

C. 39:3C-11 Transfer of ownership or discontinuance of use of snowmobile.

11. Whenever the ownership of a snowmobile is transferred or the use of a snowmobile for which a registration certificate has already been issued is discontinued, the old registration certificate shall be properly signed and executed by the owner showing that

the ownership of the snowmobile has been transferred or its use discontinued and returned to the division within 10 days after transfer or discontinuance. If there is a change of ownership of a snowmobile for which a registration certificate has previously been issued, the new owner shall apply for a new certificate. He shall set forth the original number issued in the application accompanied by the old registration properly signed by the previous owner and with the required fee submit to the division, for registration.

C. 39:3C-12 Notice of destruction, theft or removal from State.

12. It shall be the duty of every owner of a snowmobile registered pursuant to this act to notify the division, in writing, of the destruction, theft or permanent removal of such snowmobile from the State, within 10 days thereafter; and in the event of the destruction or theft of such, shall surrender the certificate of registration with such notice.

C. 39:3C-13 Additional licensing not required; permit for certain uses.

13. No political subdivision of the State shall require additional licensing or registration of snowmobiles which are covered by the provisions of this act.

Nothing herein shall however prohibit the requirement of a permit by State or local parks for use of snowmobiles on park lands or in any way affect the authority of the Department of Environmental Protection, the commissioner thereof, or those responsible for the operation of a park from adopting rules and regulations concerning the use of snowmobiles.

C. 39:3C-14 Commissioner's authority to adopt rules and regulations.

14. The commissioner, with a view towards minimizing detrimental effects on the environment, shall adopt rules and regulations relating to and including, but not limited to, the following:

a. use of snowmobiles insofar as fish, wildlife and plantlife resources are affected;

b. use of snowmobiles on public lands and waters under the jurisdiction of the Department of Environmental Protection.

C. 39:3C-15 Director's authority to adopt rules and regulations.

15. The Director of the Division of Motor Vehicles shall adopt rules and regulations relating to and including, but not limited to:

a. Specifications relating to equipment required for safety as provided herein.

b. Establishment of a comprehensive snowmobile information and safety education and training program.

c. The regulations pertaining to and the granting of permits for the conduct of all prearranged special events as provided in this act, except that in the case of those special events conducted on public lands and waters under the jurisdiction of the Department of Environmental Protection any regulations must be approved jointly by the director and the commissioner.

C. 39:3C-16 Minimum age requirement.

16. No person under the age of 14 years shall operate or be permitted to operate any snowmobile on public lands or waters or across a public highway.

C. 39:3C-17 Operation of snowmobiles on or adjacent to certain highways.

17. a. No person shall operate a snowmobile upon limited access highways or within the right-of-way limits thereof.

b. No person shall operate a snowmobile upon the main traveled portion or the plowed snow banks of any public street or highway or within the right-of-way limits thereof except as follows:

(1) Properly registered snowmobiles may cross, as directly as possible, public streets or highways, except limited access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on such public street or highway. Prior to making any such crossing, the operator shall bring the snowmobile to a complete stop. It shall be the responsibility of the operator of a snowmobile to yield the right of way to all vehicular traffic upon any public street or highway before crossing same.

(2) Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where a snowmobile is to be operated, such snowmobile may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of a snowmobile from the point where it is unloaded from a motorized conveyance to the area where the snowmobile is to be operated, or from the area where operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said public highway. Such loading or unloading must be accomplished with

due regard to safety, at the nearest possible point to the area of operation.

C. 39:3C-18 Operation of snowmobile on property of another.

18. a. No person shall operate a snowmobile on the property of another without receiving the consent of the owner of the property or the person who has a contractual right to the use of such property;

b. No person shall continue to operate a snowmobile on the property of another after consent, as provided in subsection a. above, has been withdrawn.

C. 39:3C-19 Unlawful activities.

19. It shall be unlawful for:

a. Any person to operate or ride as a passenger on any snowmobile without wearing a protective helmet approved by the director. Any such helmet shall be of a type acceptable for use in conjunction with motorcycles as provided in sections 6 to 9 of P. L. 1967, c. 237 (C. 39:3-76.7 through 39:3-76.10).

b. Any person to operate a snowmobile that is not equipped with working head lights, tail lights, brakes and proper mufflers as supplied by the motor manufacturer for the particular model without modifications, nor shall any person operate any snowmobile in such a manner as to cause a harsh, objectionable or unreasonable noise.

c. Any person to operate a snowmobile at any time and in any manner intended or reasonably to be expected to harass, drive or pursue any wildlife.

d. Any person to operate any snowmobile during the hours from ½ hour before sunset to ½ hour after sunrise without having lighted headlights and lighted tail lights.

e. Any person to operate any snowmobile on the land of another without first securing the permission of the landowner or his duly authorized representative.

f. Any person to operate a snowmobile upon railroad or right-of-way of an operating railroad, except railroad personnel in the performance of their duties.

g. Any person to violate any provision of this act or any rule or regulation adopted pursuant to this act.

C. 39:3C-20 Insurance requirement.

20. a. No snowmobile shall be operated or permitted to be operated unless the owner thereof has obtained a policy of insurance, in such language and form as shall be determined by the Commissioner of the Department of Insurance, from an insurance carrier authorized to do business in this State, the terms of which policy shall indemnify an amount or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and an amount or limit, subject to such limit for any one person so injured or killed, of \$30,000.00 exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident; and an amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident, for damages arising out of the negligent operation of said snowmobile. In lieu of such insurance coverage as hereinabove provided, the director, in his discretion and upon application of the State or a municipality having registered in its name one or more snowmobiles, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when he is satisfied of financial ability to respond to judgments obtained against it or them, arising out of the ownership, use or operation of such snowmobile.

b. Proof of insurance as hereinabove required shall be produced and displayed by the owner or operator of such snowmobile upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such snowmobile by the owner or operator.

c. An owner of a snowmobile who shall operate or permit the same to be operated without having in full force and effect the required liability insurance coverage, and any other person who shall operate any snowmobile with the knowledge that the owner thereof does not have in full force and effect such insurance coverage shall be guilty of a violation of this act and be subject to a fine of not less than \$25.00 nor more than \$100.00.

d. The director is hereby authorized to promulgate reasonable regulations to provide effective administration and enforcement of the provisions of this section in accordance with the purposes thereof.

C. 39:3C-21 Compliance with certain procedures in event of accident.

21. The operator of any snowmobile involved in an accident resulting in injuries or death of any person or property damage shall comply with the procedures in R. S. 39:4-129 and R. S. 39:4-130.

C. 39:3C-22 Authorization to hold organized special events.

22. The director may authorize the holding of organized special events. He shall adopt and may, from time to time, amend rules and regulations determining the special events which shall be subject to division permit and designating the equipment and facilities necessary for safe operation of snowmobiles and for the safety of operators, participants, and observers in such special events. Whenever such special event requiring permit of the division is proposed to be held in the State of New Jersey, the person in charge thereof shall, at least 20 days prior thereto, file an application with the director to hold such special event. The application shall set forth the date of and location where it is proposed to hold such rally, race, exhibition, or organized event, and such other information as the director may require, and it shall not be conducted without written authorization of the director and if the event is desired to be held upon public lands or waters a written authorization of the commissioner. Copies of such regulations shall be furnished by the division to any person making an application therefor.

Any person sponsoring the event who shall violate any regulation adopted pursuant to this section shall for every such violation be subject to a fine not to exceed \$250.00.

C. 39:3C-23 Exemption from certain requirements.

23. Snowmobiles operated at special events shall be exempt from the provisions of this act concerning registration and lights during the time of such operation, including all prerace practice at the location of said meet.

C. 39:3C-24 Equipment required.

24. All snowmobiles operating within the State of New Jersey shall be equipped with:

a. Headlights. At least one white or amber headlamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions.

b. Tail light. At least one red taillamp having a minimum candle-power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

c. Brakes. A brake system in good mechanical condition.

d. Reflector material. Reflector material of a minimum area of 16 square inches mounted on each side of the cowl. Registration numbers or other decorative material, may be included in computing the required 16-square-inch area.

e. Mufflers. An adequate muffler system in good working condition.

C. 39:3C-25 Inspection and testing.

25. Inspection and testing. The director may adopt rules and regulations with respect to the inspection of snowmobiles and the testing of snowmobile mufflers.

C. 39:3C-26 Offering for sale or selling snowmobiles.

26. No person shall have for sale, sell, or offer for sale in this State any snowmobile which fails to comply with the provisions of this act or which does not comply with the specifications for such equipment required by the rules and regulations of the director after the effective date of such rules and regulations.

C. 39:3C-27 Enforcement of act.

27. Every law enforcement officer in the State, including authorized officers of the Division of Motor Vehicles, Department of Environmental Protection, forest rangers and State park police and other designated officers and employees of the department shall enforce this act within their respective jurisdictions.

C. 39:3C-28 Penalty.

28. Any person who shall violate any provisions of this act or any rule or regulation promulgated pursuant to this act shall be punished by a fine of not more than \$100.00.

C. 39:3C-29 Deposit of moneys and fees.

29. The director shall deposit all moneys received by him from the registration of snowmobiles, the sale of snowmobile registration information, snowmobile publications and other services provided by the department and all fees collected by him under this act to the credit of the General Treasury.

C. 39:3C-30 Compliance with certain provisions; penalty.

30. Owners and operators of snowmobiles shall, when operating a snowmobile across a public highway or on public lands or waters, comply with the following provisions of chapter 4 of Title

39 of the Revised Statutes: R. S. 39:4-48 through R. S. 39:4-51; R. S. 39:4-64; R. S. 39:4-72; R. S. 39:4-80; R. S. 39:4-81; R. S. 39:4-92; R. S. 39:4-96 through R. S. 39:4-98; R. S. 39:4-99; R. S. 39:4-100; R. S. 39:4-104; R. S. 39:4-129 through R. S. 39:4-134; R. S. 39:4-203. The failure to comply with any of these provisions shall be a violation of this act and the penalty for such a violation shall be as provided in section 28 of this act rather than the penalty provided in the sections cited above.

C. 39:3C-31 Partial invalidity.

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

32. This act shall take effect immediately.

Approved December 14, 1973.

CHAPTER 308

AN ACT concerning truth-in-pricing and supplementing "An act concerning consumer fraud, its prevention, and providing penalties therefor, approved June 9, 1960," P. L. 1960, c. 39.

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

C. 56:8-2.5 Total selling price of merchandise.

1. It shall be an unlawful practice for any person to sell, attempt to sell or offer for sale any merchandise at retail unless the total selling price of such merchandise is plainly marked by a stamp, tag, label or sign either affixed to the merchandise or located at the point where the merchandise is offered for sale.

C. 56:8-2.6 Violations.

2. For the purposes of this act, each day for which the total selling price is not marked in accordance with the provisions of this act for each group of identical merchandise shall constitute a separate violation of this act and the act of which this act is a supplement.

3. This act shall take effect 30 days after enactment.

Approved December 14, 1973.

CHAPTER 309

AN ACT concerning the conservation, management, enhancement and protection of endangered species and nongame species of wildlife, providing for regulations therefor, and making an appropriation.

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

C. 23:2A-1 Short title.

1. This act shall be known and may be cited as "The Endangered and Nongame Species Conservation Act."

C. 23:2A-2 Declaration of policy.

2. The Legislature hereby finds and declares the following:

a. That it is the policy of this State to manage all forms of wildlife to insure their continued participation in the ecosystem;

b. That species or subspecies of wildlife indigenous to the State which may be found to be endangered should be accorded special protection in order to maintain and to the extent possible enhance their numbers; and

c. That the State should assist in the protection of species or subspecies of wildlife which are deemed to be endangered elsewhere by regulating the taking, possession, transportation, exportation, processing, sale or offer for sale or shipment within this State of species or subspecies of wildlife including those on any Federal endangered species list.

C. 23:2A-3 Definitions.

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

a. "Commissioner" means the Commissioner of the Department of Environmental Protection;

b. "Department" means the Department of Environmental Protection;

c. "Director" means the Director of Fish, Game and Shellfisheries;

d. "Division" means the Division of Fish, Game and Shellfisheries;

e. "Endangered species" means any species or subspecies of wildlife whose prospects of survival or recruitment are in jeopardy

or are likely within the foreseeable future to become so due to any of the following factors: (1) the destruction, drastic modification, or severe curtailment of its habitat, or (2) its over-utilization for scientific, commercial or sporting purposes, or (3) the effect on it of disease, pollution, or predation, or (4) other natural or man-made factors affecting its prospects of survival or recruitment within the State, or (5) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of wildlife appearing on any Federal endangered species list;

f. "Nongame species" means any wildlife for which a legal hunting or trapping season has not been established or which has not been classified as an endangered species by statute or regulation of this State;

g. "Person" means and shall include corporations, companies, associations, societies, firms, partnerships, and joint stock companies as well as individuals;

h. "Take" means to harass, hunt, capture, kill, or attempt to harass, hunt, capture, or kill, wildlife;

i. "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean or other wild animal or any part, product, egg or offspring or the dead body or parts thereof.

C. 23:2A-4 Development of wildlife management programs; lists of endangered species.

4. a. The director shall conduct investigations concerning wildlife in order to develop information relating to populations, distribution, habitat needs, limiting factors and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations the director shall develop management programs which shall be designed to insure the continued ability of wildlife to perpetuate themselves successfully.

b. On the basis of such investigations of wildlife and other available scientific and commercial data the director may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies. The director shall periodically review the State list of endangered species and may by regulation amend the list making such additions or deletions as are deemed appropriate.

C. 23:2A-5 Rules and regulations.

5. The director, subject to the approval of the commissioner, shall have the power to formulate and promulgate, adopt, amend

and repeal rules and regulations, limiting, controlling and prohibiting the taking, possession, transportation, exportation, sale or offer for sale, or shipment of any nongame species or any wildlife on the endangered species list. Such rules and regulations shall be designed to promote the public health, safety and welfare and shall be adopted in accordance with the Administrative Procedure Act (C. 52:14B-1 et seq.).

C. 23:2A-6 Possession, transportation or sale of endangered species.

6. Except as otherwise provided in this act or regulations adopted thereunder, no person shall take, possess, transport, export, process, sell or offer for sale, or ship, and no common or contract carrier shall knowingly transport or receive for shipment any species or subspecies of wildlife appearing on the following lists: (1) the list of wildlife determined to be endangered by the director pursuant to this act; (2) the list of nongame species regulated pursuant to this act; and (3) any Federal list of endangered species. Any species or subspecies of wildlife appearing on any of the foregoing lists which enters the State from another state or from a point outside the territorial limits of the United States and which is transported across the State destined for a point beyond the State may be so entered and transported without restriction in accordance with the terms of any Federal permit or permit issued under the laws or regulations of another state.

C. 23:2A-7 Establishment and implementation of certain programs.

7. a. The director shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for the conservation and management of nongame and endangered species of wildlife.

b. In carrying out programs authorized by this act, the director may enter into agreements with Federal agencies, political subdivisions of the State, or with private persons for administration and management of any area established under this section or utilized for management of nongame or endangered species of wildlife.

c. With the approval of the Governor, the director may cooperate with and receive money from the Federal Government, or any county or municipal government or from private sources for the purposes of this act. The director may establish a separate fund from these contributions for the support of nongame and endangered species programs.

d. The director, subject to the approval of the commissioner, may authorize, under such terms and conditions as may be prescribed by regulation, the taking, possession, transportation, exportation or shipment of nongame species and wildlife which appear on the State list of endangered species for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.

e. The commissioner shall appoint a committee of experts to advise and assist the director in carrying out the intent of this act. Said experts shall include persons actively involved in the conservation of wildlife.

C. 23:2A-8 Interference with performance of duties.

8. No person shall obstruct, hinder or delay, or interfere with by force or otherwise, the performance by the department or its personnel of any duty under the provisions of this act, or refuse to permit such personnel to perform their duties by refusing them, upon proper identification or presentation of a written order of the department, entrance to any premises at reasonable hours.

C. 23:2A-9 Investigation of violations.

9. Whenever the department has cause to believe that any person is violating any provision of this act, or a rule or regulation promulgated pursuant to the provisions of this act, the department shall cause a prompt investigation to be made in connection therewith.

C. 23:2A-10 Injunctive relief; penalty.

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

b. Any person who violates the provisions of this act or any rule, regulation or order promulgated pursuant to this act shall be liable to a penalty of not more than \$3,000.00 for each offense, to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. Penalties recovered for violations hereof shall be remitted as provided in R. S. 23:10-19. The Superior Court, County Court and county district court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a

continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

c. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

C. 23:2A-11 Partial invalidity.

11. If any provision of this act or rule or regulation adopted hereunder or the application thereof to any person or circumstances is held invalid, the remainder of the act or rule or regulation and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

C. 23:2A-12 Provisions not to limit certain vested powers and duties.

12. The powers, duties and functions vested in the State Department of Environmental Protection under the provisions of this act shall not be construed to limit in any manner the functions, powers and duties vested in the State Department of Environmental Protection under any other provisions of law.

C. 23:2A-13 Construction of act.

13. This act shall be liberally construed to effectuate the purpose and intent thereof.

14. There is hereby appropriated for the purpose of this act the sum of \$100,000.00 for the fiscal year of 1973-1974.

15. This act shall take effect immediately.

Approved December 14, 1973.

CHAPTER 310

AN ACT concerning State aid to education and supplementing Title 18A of the New Jersey Statutes.

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

1. For the school year 1974-75:

a. The provisions of the "state school aid law" (N. J. S. 18A :58-1 et seq.), notwithstanding, all districts other than nonoperating districts shall be designated as basic districts for the purpose of calculating minimum support aid and incentive equalization aid.

(1) Minimum support aid shall not be less than \$132.00 in a basic district.

(2) School district guaranteed valuation shall not be less than \$38,000.00 in a basic district.

b. No school district shall be apportioned for school building aid, minimum support aid, incentive equalization aid and county vocational school aid for an amount less than the aid, excluding transportation aid and atypical aid, it received for the State fiscal year 1973-74.

2. This act shall take effect July 1, 1974.

Approved December 17, 1973.

CHAPTER 311

AN ACT concerning education and amending N. J. S. 18A:61-2.

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

1. N. J. S. 18A:61-2 is amended to read as follows:

Supervision by commissioner.

18A:61-2. The commissioner, subject to the approval of the State board, shall:

a. Have the control and care of the buildings and grounds owned and used by the State for the school for the deaf;

b. Appoint and remove a superintendent, teachers and other employees, and fix the compensation of those whose compensation is not fixed by statute or otherwise determinable by authority of law;

c. Provide furniture, textbooks, school apparatus and other supplies;

d. Make rules for the government and management of the school and the admission of pupils thereto; and

e. Provide, by contract or otherwise, all necessary transportation for pupils maintained at the school.

2. This act shall take effect July 1, 1973.

Approved December 18, 1973.

CHAPTER 312

AN ACT to amend "An act concerning moneys for the maintenance of park systems in certain counties, and supplementing article 2 of chapter 37 of Title 40 of the Revised Statutes, and repealing chapter 191 of the laws of 1951," approved November 2, 1960 (P. L. 1960, c. 144).

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

1. Section 1 of P. L. 1960, c. 144 (C. 40:37-15.2) is amended to read as follows:

C. 40:37-15.2 Counties having park system established by referendum pursuant to section 40:37-96.

1. The board of chosen freeholders in any county having a county park system established by referendum pursuant to the provisions of R. S. 40:37-96, and in which, heretofore, the amount to be raised for the support and maintenance of the county parks shall have been fixed and determined pursuant to referendum in accordance with P. L. 1951, c. 191, shall annually, in ordering the amount of money to be raised for county purposes, declare the amount necessary to be raised for the purpose of maintaining the public parks and roads or parkways, built in connection with the public park system of such county, which amount shall not be less than $\frac{1}{4}$ of one mill on the dollar, nor more than one mill on the dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation. Any county of the first class may, for the support and maintenance of county parks, raise an additional $\frac{1}{2}$ mill on the dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation.

If in any year the park commission shall certify to the board of chosen freeholders that an amount less than the minimum hereinbefore prescribed is needed for the maintenance of the park system during that year, and shall also certify the exact amount necessary to maintain the parks during that year, the board shall raise for that year the sum so certified by the park commission instead of the minimum hereinbefore prescribed.

2. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 313

AN ACT concerning workmen's compensation and amending
R. S. 34:15-49.

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

1. R. S. 34:15-49 is amended to read as follows:

Original jurisdiction of claims; salaries of director and judges.

34:15-49. The Division of Workmen's Compensation shall have the exclusive original jurisdiction of all claims for workmen's compensation benefits under this chapter. The judges of the Division of Workmen's Compensation shall hereinafter be appointed on a bipartisan basis by the Governor, with the advice and consent of the Senate and shall serve during good behavior. The salary of the director of the division shall be \$32,000.00 and the salary of the judges of compensation shall be \$29,500.00. In addition to his salary, a judge of compensation regularly assigned as a supervising judge of compensation by the director shall receive additional compensation of \$1,500.00 per annum during the period of such assignment. Judges of compensation shall not engage in the practice of law and shall devote full time to their judicial duties.

2. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 314

AN ACT to authorize the borough of Seaside Heights, Ocean county, to make permanent the appointment to its police department of Stanley Matejkowski.

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

Private act.

1. The borough of Seaside Heights, Ocean county, is authorized to make permanent the appointment to its police department of

Stanley Matejkowski, presently serving as a member of the police department of another municipality, notwithstanding that he is over the maximum age for appointment required by law.

2. This act shall take effect upon the adoption and publication of an ordinance of the borough of Seaside Heights for the purpose of adopting the same.

Approved December 18, 1973.

CHAPTER 315

AN ACT concerning insurance relating to health insurance reserves, the standard valuation law and the standard nonforfeiture law and amending N. J. S. 17B:19-5, N. J. S. 17B:19-8 and N. J. S. 17B:25-19.

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

1. N. J. S. 17B:19-5 is amended to read as follows:

Health insurance reserves.

17B:19-5. The commissioner shall annually make or cause to be made or shall annually require the insurer to make calculations of policy and loss reserves for health insurance written by insurers authorized to write health insurance in this State as defined in section 17B:17-4. The commissioner may promulgate regulations providing for minimum reserve standards and mortality, morbidity or other contingency bases to be used in connection therewith. All calculations for minimum reserve purposes shall be made on the basis of a rate of interest not exceeding 4% per annum in the case of policies of insurance issued on or after January 1, 1973, and not exceeding 3½% per annum in the case of all other policies of insurance.

2. N. J. S. 17B:19-8 is amended to read as follows:

Standard valuation law.

17B:19-8. This section shall be known as the standard valuation law and shall apply to all the life insurance policies, pure endowment contracts and annuity contracts issued by every life insurer on or after January 1, 1948 or such earlier date as shall have been

elected by the insurer as the operative date for such insurer of the standard nonforfeiture law.

a. The minimum standard for the valuation of the reserve liabilities for all such policies and contracts shall be the commissioners reserve valuation method defined in subsection b. of this section, $3\frac{1}{2}\%$ interest, except as otherwise provided in paragraphs (iii), (iv) and (ix) of this subsection for annuity and pure endowment contracts and except 4% interest for life insurance policies and disability and accidental death benefits issued on or after January 1, 1973, and the following tables:

(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that the Commissioners 1958 Standard Ordinary Mortality Table shall be the table for the minimum standard for such policies issued on or after January 1, 1966 or, for policies in any category of ordinary insurance, such earlier date as shall have been elected by the insurer as the date on which the calculation of the adjusted premiums referred to in the standard nonforfeiture law for such insurer's policies in such category became based upon said table. Notwithstanding the above provisions of this paragraph, for any category of ordinary insurance, reserves for such policies issued on or after July 1, 1957 may be calculated, at the option of the insurer, according to the Approved Standard Ordinary Mortality Table contained in section 17B:19-9; provided, further, that for any category of such policies issued on female risks on or after July 1, 1957 modified net premiums and present values, referred to in subsection b. of this section, may be calculated, at the option of the insurer with approval of the commissioner, according to an age not more than 3 years younger than the actual age of the insured.

(ii) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 Standard Industrial Mortality Table; provided, however, that the Commissioners 1961 Standard Industrial Mortality Table shall be the table for the minimum standard for such policies issued on or after January 1, 1968 of such earlier date as shall have been elected by the insurer as the date on which the calculation of the adjusted premiums referred to in the standard nonforfeiture law for such insurer's industrial life insurance policies became based upon said table.

(iii) For individual annuity and pure endowment contracts issued prior to the operative date of paragraph (ix) of this subsection, excluding any disability and accidental death benefits in such contracts, the 1937 Standard Annuity Mortality Table, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner; provided, however, that for single stipulated payment individual annuity and single premium pure endowment contracts issued on or after January 1, 1970, excluding any disability and accidental death benefits in such contracts, the minimum standard shall be the lesser of (a) the standard just described and (b) the standard based on 4% interest and the Annuity Mortality Table for 1949, Ultimate, or any modification of such table approved by the commissioner.

(iv) For group annuity and pure endowment contracts, except annuities and pure endowments purchased thereunder on or after the operative date of paragraph (ix) of this subsection, excluding any disability and accidental death benefits in such contracts, the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts; provided, however, that for group annuity benefits arising from considerations received on or after January 1, 1970, excluding any disability and accidental death benefits, the minimum standard shall be the lesser of (a) the standard just described and (b) the standard based on 4% interest and the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of such table specified for individual annuity and pure endowment contracts.

(v) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit: for policies or contracts issued on or after January 1, 1961 and prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be

combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vii) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner.

(viii) For ordinary and industrial paid-up nonforfeiture term insurance, and accompanying pure endowment, the table of mortality based on the rates of mortality assumed in calculating the paid-up nonforfeiture benefits.

(ix) For individual annuity and pure endowment contracts issued on or after the operative date of this paragraph (ix), as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, the commissioners reserve valuation method defined in subsection b. and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and 6% interest for single stipulated payment immediate annuity and single premium pure endowment contracts, and 4% interest for all other individual annuity and pure endowment contracts.

(2) For all annuities and pure endowments purchased under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and 6% interest.

For individual single stipulated payment immediate annuity and single premium pure endowment contracts and for annuities and

pure endowments purchased under group annuity and pure endowment contracts, the operative date of this paragraph (ix) shall be January 1, 1973.

For other individual annuity and pure endowment contracts, an insurer may file with the commissioner a written notice of its election to comply with the provisions of this paragraph (ix) beginning on a specified date that is on or after January 1, 1973 but prior to January 1, 1979. Such specified date shall be the operative date of this paragraph for such contracts of the insurer, provided that if an insurer makes no such election, the operative date of this paragraph for such contracts of the insurer shall be January 1, 1979.

b. Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided by the policy and the excess of (A) over (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age 1 year higher than the age at issue of such policy.

(B) A net 1-year term premium for such benefits provided for in the first policy year.

Reserves according to the commissioners reserve valuation method for (i) life insurance policies providing for varying amounts of insurance or requiring the payment of varying premiums, (ii) annuity and pure endowment contracts, (iii) disability and accidental death benefits in all policies and contracts, and (iv)

all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this subsection b., except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

c. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the method set forth in subsection b. and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies. Reserves for any category of policies, contracts or benefits as established by the commissioner shall not be calculated according to any standards which produce smaller aggregate reserves for such category than the corresponding aggregate values of nonforfeiture benefits available as of the valuation date.

d. Reserves for any category of policies, contracts or benefits as established by the commissioner may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein; provided, however, that reserves for participating life insurance policies may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than $\frac{1}{2}\%$ the insurer issuing such policies shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

e. If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium

and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

3. N. J. S. 17B:25-19 is amended to read as follows:

Standard nonforfeiture law.

17B:25-19. This section shall be known as the standard nonforfeiture law.

a. No policy of life insurance, except as stated in subsection j., shall be issued or delivered hereafter in this State unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(1) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than 60 days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(2) That, upon surrender of the policy within 60 days after the due date of any premium payment in default after premiums have been paid for at least 3 full years in the case of ordinary insurance or 5 full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(3) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than 60 days after the due date of the premium in default.

(4) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within 30 days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(5) A statement of the mortality tables and interest rates used in calculating the cash surrender values and the mortality tables and interest rates used in calculating the

paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first 20 policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the State in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the cash surrender values and paid-up nonforfeiture benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the State in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of 6 months after demand therefor with surrender of the policy.

b. In the case of annuity and pure endowment contracts issued on or after January 1, 1972, no contract of annuity or pure endowment, except as stated in subsection j., shall be issued or delivered in this State, unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering contractholder:

(1) That, in the event of default in any stipulated payment, the insurer will grant a paid-up nonforfeiture benefit on a plan stipulated in the contract, effective as of such due date, of such value as may be hereinafter specified.

(2) A statement of the mortality tables, if any, and interest rates used in calculating the paid-up nonforfeiture benefits available under the contract, together with a table showing either the cash surrender value, if any, or the paid-up nonforfeiture benefit, if any, available on each anniversary of the contract either during the first 20 contract years or during the term of stipulated payments, whichever is shorter, such benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the contract and that there is no indebtedness to the insurer on the contract.

(3) A statement that the paid-up nonforfeiture benefits available under the contract are not less than the minimum benefits required by or pursuant to the insurance law of the State in which the contract is delivered; an explanation of the manner in which the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the contract or any indebtedness to the insurer on the contract; if a detailed statement of the method of computation of the paid-up nonforfeiture benefits shown in the contract is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the State in which the contract is delivered; and a statement of the method to be used in calculating the paid-up nonforfeiture benefit available under the contract on any contract anniversary beyond the last anniversary for which such benefits are consecutively shown in the contract.

If an insurer shall provide for the payment of a cash surrender value, it shall reserve the right to defer the payment of such value for a period of 6 months after demand therefor with surrender of the contract.

Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if the annuity allowed under any paid-up nonforfeiture benefit would be less than \$120.00 annually, the insurer may at its option grant a cash surrender value in lieu of such paid-up nonforfeiture benefit of such amount as may be required by subsection f.

c. Any cash surrender value available under any policy referred to in subsection a. in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection a., shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (1) the then present value of the adjusted premiums as defined in subsection g., corresponding to premiums which would have fallen due on and after such anniversary, and (2) the amount of any indebtedness to the insurer on the policy. Any cash surrender value available within 30 days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by subsection a., shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on the policy.

d. Any paid-up nonforfeiture benefit available under any policy referred to in subsection a. in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

e. Any paid-up nonforfeiture benefit available under any annuity or pure endowment contract referred to in subsection b., in the event of default in a stipulated payment due on any contract anniversary, shall be such that its present value as of such anniversary shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the contract, including any existing paid-up additions, if there had been no default, over the sum of (1) the then present value of the adjusted stipulated payments as defined in subsection h. corresponding to stipulated payments which would have fallen due on and after such anniversary, and (2) the amount of any indebtedness to the insurer on the contract. In determining the benefits referred to in this subsection and in calculating the adjusted stipulated payments referred to in subsection h., in the case of annuity contracts under

which an election may be made to have annuity payments commence at optional dates, the annuity payments shall be deemed to commence at a date which shall be the latest permitted by the contract for the commencement of such payments but not later than the contract anniversary nearest the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later; and the stipulated payments shall be deemed to be payable for the longest period during which they would be payable if election were made to have the annuity payments commence at such date.

f. Any cash surrender value allowed by any annuity or pure endowment contract referred to in subsection b. and the present value, under any optional provision, of future benefits commencing on the due date of the stipulated payment in default shall each be at least equal to the then present value of the minimum paid-up nonforfeiture benefit required by subsection e.

g. Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy referred to in subsection a. shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the policy; (2) 2% of the amount of insurance, if the insurance be uniform in amount or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (3) 40% of the adjusted premium for the first policy year; (4) 25% of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less; provided, however, that in applying the percentages specified in (3) and (4) above, no adjusted premium shall be deemed to exceed 4% of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be

the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this subsection except that, for the purpose of (2), (3) and (4) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table. Notwithstanding this provision, for any category of ordinary insurance such calculations may be made, at the option of the insurer, on the basis of the Approved Standard Ordinary Mortality Table; provided, further, that for any category of ordinary insurance issued on female risks adjusted premiums and present values may be calculated, at the option of the insurer with approval of the commissioner, according to an age not more than 3 years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the Commissioners 1961 Standard Industrial Mortality Table.

All calculations shall be made on the basis of the applicable rates of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, not exceeding 4% per annum in the case of policies of insurance issued on or after Janu-

ary 1, 1973, and not exceeding $3\frac{1}{2}\%$ per annum in the case of all other policies of insurance. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than the rates shown in the Commissioners 1958 Extended Term Insurance Table if the adjusted premiums for the policy are calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table, may be not more than 130% of the rates shown in the Approved Standard Ordinary Mortality Table if the adjusted premiums for the policy are calculated on the basis of said table, and may be not more than the rates shown in the Commissioners 1961 Industrial Extended Term Insurance Table if the adjusted premiums for the policy are calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

h. The adjusted stipulated payments for any annuity or pure endowment contract referred to in subsection b. shall be calculated on an annual basis and shall be such uniform percentage of the respective stipulated payments specified in the contract for each contract year that the present value, at the date of issue of the contract, of all such adjusted stipulated payments shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the contract; (2) 20% of the adjusted stipulated payment for the first contract year; and (3) 2% of the adjusted stipulated payment for the first contract year for each year not exceeding 20 during which stipulated payments are payable.

All adjusted stipulated payments and present values referred to in this section shall for annuity and pure endowment contracts be calculated on the basis of (1) the applicable rates of interest, not exceeding $3\frac{1}{2}\%$ per annum, specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits; and (2) the 1937 Standard Annuity Mortality Table, or the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner or any other table approved by the commissioner; provided that, in the case of annuity or pure endowment contracts issued after the operative date for the insurer of paragraph (ix) of subsection a. of the

standard valuation law, section 17B:19-8, the $3\frac{1}{2}\%$ maximum interest rate specified in item (1) of this paragraph shall be increased to 4%, and, if the applicable rates of interest specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits exceed $3\frac{1}{2}\%$, there shall be substituted for the mortality tables specified in item (2) the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner or any other table approved by the commissioner.

i. Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy or contract in the event of default in the payment of a premium or stipulated payment due at any time other than on the policy or contract anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums or stipulated payments beyond the last preceding policy or contract anniversary. All values referred to in subsections c. to h. inclusive, may be calculated upon the assumption that any death benefit is payable at the end of the policy or contract year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsections c. and e., additional benefits payable (1) in the event of death or dismemberment by accident or accidental means, (2) in the event of total and permanent disability, (3) as reversionary annuity or deferred reversionary annuity benefits, (4) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (5) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (6) as other policy benefits additional to life insurance, endowment, and annuity benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits. Notwithstanding the provisions of subsections c. and e., additional benefits providing the privilege to purchase additional insurance or annuity benefits at some future time without furnishing evidence of insurability, and premiums or stipulated payments therefor, may, with the consent of the com-

missioner, be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

j. This section shall not apply to any reinsurance contract, group insurance policy, group annuity contract, variable annuity contract, single premium pure endowment or single stipulated payment annuity contract or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of 15 years or less expiring before age 66, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection g. is less than the adjusted premium so calculated, on such 15-year term policy issued at the same age and for the same initial amount of insurance, nor to any policy or contract which shall be delivered outside this State through an agent or other representative of the insurer issuing the policy or contract.

4. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 316

AN ACT to authorize the borough of Hightstown in the county of Mercer to make permanent the appointment of Donald Vale Stanziale to the police department of the borough of Hightstown.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Hightstown in the county of Mercer is authorized to make permanent the appointment of Donald Vale Stanziale to the police department of the borough of Hightstown notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement

system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Hightstown for the purpose of adopting same.

Approved December 18, 1973.

CHAPTER 317

AN ACT to authorize the borough of Mount Ephraim, in the county of Camden, to make permanent the appointment of Joseph Graham, Jr., to the police department of the borough of Mount Ephraim.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Mount Ephraim, in the county of Camden, is authorized to make permanent the appointment of Joseph Graham, Jr., to the police department of the borough of Mount Ephraim notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Mount Ephraim for the purpose of adopting the same.

Approved December 18, 1973.

CHAPTER 318

AN ACT to authorize the borough of Woodbine in the county of Cape May to make permanent the appointment of William S. Holmes to the police department of the borough of Woodbine.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Woodbine, in the county of Cape May is authorized to make permanent the appointment of William S. Holmes to the police department of the borough of Woodbine notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. This act shall take effect upon due adoption of an ordinance of the borough of Woodbine for the purpose of adopting same.

Approved December 18, 1973.

CHAPTER 319

AN ACT concerning certain motor vehicles and supplementing chapter 3 of Title 39.

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

C.39:3-20.1 Transportation of certain empty vehicles; registration; fee.

1. In addition to the motor vehicle registration provisions authorized pursuant to this chapter, the director may issue, upon application on a form prescribed by him, a registration certificate and registration plates for trucks, tractors, trailers and semitrailers that are empty and being transported from one terminal to another, or from the place of sale to the registrant's terminal or place of business, or are empty and being transported for the purpose of having additional equipment added or lettering affixed.

The annual fee for the issuance of each set of such plates shall be \$25.00. Such plates are to be in the form prescribed by the director and shall be marked in a manner to indicate the vehicle is "in-transit empty."

C. 39:3-20.2 Penalty.

2. The penalty for misuse of the registration provisions of section 1 shall be a fine of no less than \$25.00 nor more than \$100.00 and suspension or revocation of the privilege.

3. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 320

AN ACT to provide for the establishment of qualifications for members of county boards of taxation, and amending R. S. 54:3-2.

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

1. R. S. 54:3-2 is amended to read as follows:

Members; appointment; qualifications.

54:3-2. Each board shall, as heretofore, be known as the county board of taxation, and be composed of three members, except as hereinafter provided, to be appointed by the Governor by and with the advice and consent of the Senate. Each member shall be a resident and citizen of the county in and for which he is appointed. Members shall be chosen because of their special qualifications, knowledge and experience in matters concerning the valuation and taxation of property, particularly of real property. At no time shall more than two of the members belong to the same political party. In counties of the first class there shall be five members of whom no more than three shall belong to the same political party. Nothing herein contained shall be construed to affect members of county boards of taxation serving on the effective date of this act. At least one member shall furnish proof that he has received certificates indicating satisfactory completion of training courses designated in section 4 of P. L. 1967, c. 44

(C. 54:1-35.28) within a year of his appointment or that he possesses an assessor's certificate issued pursuant to P. L. 1967, c. 44, as supplemented and in counties where there are five members of the board, at least two members shall furnish such proof.

2. This act shall take effect January 1, 1974.

Approved December 18, 1973.

CHAPTER 321

AN ACT to authorize the borough of East Newark in the county of Hudson to make permanent the appointment of Samuel Latini to the police department of the borough of East Newark.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of East Newark, in the county of Hudson is authorized to make permanent the appointment of Samuel Latini to the police department of the borough of East Newark notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of East Newark for the purpose of adopting same.

Approved December 18, 1973.

CHAPTER 322

AN ACT concerning payment for services rendered by clinical or bio-analytical laboratories, and supplementing chapter 9 of Title 45 of the Revised Statutes.

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

C. 45:1-10 Disclosure of certain information on bills to patients.

1. It shall be unlawful for any person licensed in the State of New Jersey to practice medicine or surgery, dentistry, osteopathy, podiatry or chiropractic to agree with any clinical, bio-analytical or hospital laboratory, wheresoever located, to make payments to such laboratory for individual tests, combination of tests, or test series for patients unless such person discloses on the bills to patients or third party payors the name and address of such laboratory and the net amount or amounts paid or to be paid to such laboratory for individual tests, combination of tests or test series.

C. 45:1-11 Penalty.

2. Any person violating this act shall be guilty of a misdemeanor.
3. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 323

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district for the authorization, sale or issuance of bonds of the school district, and any bonds of the school district issued or to be issued

in pursuance of such proceedings are hereby ratified, validated and confirmed, notwithstanding that notice of sale of such bonds was not published as required by section 18A:24-36 of Title 18A, Education, of the New Jersey Statutes, in a newspaper published in the county in which the school district is located and having a substantial circulation in the school district, provided, however, that notice of sale of such bonds was published as required by said section 18A:24-36 at least 7 days prior to such sale in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of State and municipal bonds, published in New York city or the State of New Jersey, and provided further that no action, suit or other proceeding to contest the validity of such bonds has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court.

2. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 324

AN ACT concerning the issuance of special licenses to senior citizen associations or clubs, in certain cases, and supplementing the "Bingo Licensing Law," approved February 20, 1954 (P. L. 1954, c. 6).

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

C. 5:8-25.1 Issuance of special licenses to certain senior citizen associations or clubs; conditions.

1. The governing body of any municipality shall issue a special license to any senior citizen association or club desiring to hold, operate and conduct games of chance solely for the purpose of amusement and recreation of its members. Said special license shall be valid only for those games of chance held, operated and conducted where no player or other person furnishes anything of value for the opportunity to participate; the prizes awarded or to be awarded are nominal; no person other than a bona fide active member of the organization participates in the conduct of the

games; and no person is paid for conducting or assisting in the conduct of the game or games. Said special license shall be issued under this act without fee and shall be effective for a period of 2 years.

C. 5:8-25.2 Holders of special licenses not subject to certain provisions.

2. Senior citizen associations or clubs holding, operating and conducting games of chance solely for the amusement and recreation of its members under said special license shall not be subject to the provisions of the act to which this act is a supplement.

3. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 325

AN ACT to authorize the township of Hopewell in the county of Mercer to make permanent the appointment of William Seas, Edward Glembocki and Emil Erdelsky to the police department of the township of Hopewell.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Hopewell, in the county of Mercer, is authorized to make permanent the appointment of William Seas, Edward Glembocki and Emil Erdelsky to the police department of the township of Hopewell notwithstanding their ages are greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. This act shall take effect upon due adoption of an ordinance of the township of Hopewell for the purpose of adopting same.

Approved December 18, 1973.

CHAPTER 326

AN ACT concerning the "New Jersey Employer-Employee Relations Act," amending and supplementing P. L. 1941, c. 100 and amending P. L. 1968, c. 303.

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

1. Section 4 of P. L. 1941, c. 100 (C. 34:13A-4) is amended to read as follows:

C. 34:13A-4 State Board of Mediation; establishment; membership.

4. State Board of Mediation; establishment; membership. There is hereby established in the Department of Labor and Industry a board to be known as the New Jersey State Board of Mediation. The membership of such board shall consist of seven persons to be appointed by the Governor, by and with the advice and consent of the Senate. Of such members, two shall be representative of employees, two shall be representative of employers and three shall be representative of the public. Of the members first appointed, one shall be appointed for a term of 1 year; two for a term of 2 years and two for a term of 3 years. Of the two additional members provided for by this amendment, the original appointees shall hold office for 2 years. Their successors shall be appointed for terms of 3 years. The chairman of the board shall be a member who shall have been designated a representative of the public and who shall be named as chairman by the Governor: the chairman so named shall serve as chairman during his term as a member of the board. A vacancy occurring in the membership of the board for any cause, other than expiration of term, shall be filled by the Governor and the person so appointed shall hold office for the unexpired term of the member whose office has become vacant.

Of the members whose terms have not expired, the Governor shall designate each as a representative of either employees or employers or the public, which designation shall be filed with the Secretary of State, and all appointments hereafter made shall include a designation indicating that such appointee is to be a representative of employees, employers or the public, as the case may be.

For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the New

Jersey State Board of Mediation is hereby allocated within the Department of Labor and Industry and assigned for administrative purposes to the Assistant Commissioner of Labor for Labor Relations and Work Place Standards, but notwithstanding said allocation and assignment, the board shall be independent of any supervision or control by the department or by any board or officer thereof.

2. Section 5 of P. L. 1968, c. 303 (C. 34:13A-5.1) is amended to read as follows:

C. 34:13A-5.1 Division of Public Employment Relations and Division of Private Employment Dispute Settlement; establishment, functions; State Board of Mediation.

5. There is hereby established a Division of Public Employment Relations and a Division of Private Employment Dispute Settlement.

(a) The Division of Public Employment Relations shall be concerned exclusively with matters of public employment related to determining negotiating units, elections, certifications and settlement of public employee representative and public employer disputes and grievance procedures. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Division of Public Employment Relations is hereby allocated within the Department of Labor and Industry, and located in the city of Trenton, but notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

(b) The Division of Private Employment Dispute Settlement shall assist the New Jersey State Board of Mediation in the resolution of disputes in private employment. The New Jersey State Board of Mediation, its objectives and the powers and duties granted by this act and the act of which this act is amendatory and supplementary shall be concerned exclusively with matters of private employment and the office shall continue to be located in the city of Newark.

C. 34:13A-6.1 Reorganization plan of Department of Labor and Industry; certain changes or alterations superseded.

3. To the extent that the reorganization plan of the Department of Labor and Industry which was submitted to the Legislature on May 11, 1972 (effective July 10, 1972) is inconsistent with, changes or alters the powers of either the New Jersey Public Employment Relations Commission in the Division of Public Employment Relations or the Board of Mediation in the Division of Private Employ-

ment Dispute Settlement as they existed prior to the effective date of said reorganization, such reorganization plan shall be to such extent superseded and inoperative.

4. This act shall take effect immediately.

Approved December 18, 1973.

CHAPTER 327

AN ACT to authorize the borough of Union Beach in the county of Monmouth to make permanent the appointments of Robert Erven, Edward Lockman, Victorino Tuberion and Albert Wayde to the police department of the borough of Union Beach.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Union Beach, in the county of Monmouth is authorized to make permanent the appointment of Robert Erven, Edward Lockman, Victorino Tuberion and Albert Wayde to the police department of the borough of Union Beach notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Union Beach for the purpose of adopting same.

Approved December 18, 1973.

CHAPTER 328

AN ACT concerning interest and usury and amending R. S. 31:1-1 and supplementing Title 17 of the Revised Statutes.

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

1. R. S. 31:1-1 is amended to read as follows:

Contract rate; computation of interest or discount; determination of rates.

31:1-1. (a) Except as otherwise provided by law, no person shall, upon contract, take, directly or indirectly for loan of any money, wares, merchandise, goods and chattels, above the value of \$6.00 for the forbearance of \$100.00 for a year; except that the Commissioner of Banking, with the advice of a special advisory board constituted as hereinafter provided, may by regulation adopted, amended and rescinded from time to time, provide that the value which may be taken for any such loan shall be a value more than \$6.00 but not more than \$9.50 for the forebearance of \$100.00 for a year, as shall be prescribed in such regulation, and after that rate for a greater or less sum or for longer or shorter time. The special advisory board herein provided for shall consist of the members of the Banking Advisory Board as constituted pursuant to Article 43 of the Banking Act of 1948, P. L. 1948, c. 67, plus two additional persons appointed by the Governor with the advice and consent of the Senate, one of whom shall be an officer of an association as defined in section 5 (3) of the Savings and Loan Act (1963), P. L. 1963, c. 144, and the other of whom shall be an officer of a life insurance company incorporated under the laws of this State. The two additional persons so appointed shall hold office for a term of 1 year. When, however, pursuant to any such contract, interest or discount is taken or reserved for a period of less than 1 year, or when interest is required to be paid at intervals of less than 1 year, such interest or discount may be computed on a daily basis, or on a monthly basis, or on a combination of both such bases when the period for which interest or discount is taken or reserved contains 1 or more months and 1 or more days; and, in any such case, a day shall be deemed to be a $1/360$ part of a year, and a month shall be deemed to be a $1/12$ part of a year, regardless of the number of days contained in such month. Any computation of interest or discount made on any such basis shall constitute a compliance with this section, and any such basis may be applied

regardless whether the principal debt is payable in more than or less than 1 year from the time of making the loan.

(b) In making, amending and rescinding regulations pursuant to subsection (a) of this section, the Commissioner of Banking and the special advisory board shall consider, the general state of the economy, the discount rates prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the advance rate as prescribed by the Federal Home Loan Bank of New York, the availability of funds for loans, studies and statistics published by the Federal Home Loan Bank Board and other agencies of the United States and of this State, and such other factors and bases for determination as the commissioner and the board may deem pertinent. The rate established by any such regulation shall reasonably reflect prevailing market conditions, regionally and nationally, based upon the studies, statistics and factors considered, and shall remain in force until such time as such regulation is rescinded or such rate is increased or decreased by a subsequent regulation. Any such regulation shall have prospective effect only, and any rate established in excess of 8% shall apply only to loans secured by real estate on which there is erected or to be erected a one, two, or three family dwelling occupied or to be occupied by the borrower. Notwithstanding the provisions of paragraph (a) of this section, contracts for the following classes or types of loans may provide for any rate of interest which the parties agree upon, and interest at any such rate may be taken, notwithstanding that it exceeds a rate limited by paragraph (a) of this section:

(1) loans in the amount of \$50,000.00 or more, except loans where the security given is a mortgage on real property consisting of a lot of land upon which there is constructed or in the course of construction a dwelling house of three family units or less. The rate of interest stated in such contract upon the origination of such loans may be taken notwithstanding that payments thereon reduce the amount outstanding to less than \$50,000.00;

(2) loans or advances of credit made by savings and loan associations, banking institutions, or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgagees for which an offer or commitment to purchase has been received and which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal

Home Loan Mortgage Corporation, and any successor thereof or by any State or Federal governmental or quasi-governmental organizations.

Any provision in a mortgage commitment contracted prior to the effective date of this act providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

C. 17:9A-65.1 Authority to collect only interest during first 5 years of mortgage loan.

2. Notwithstanding any other law or regulation to the contrary, with respect to the provisions of section 147 of P. L. 1963, c. 144 (C. 17:12B-147) and section 65 of P. L. 1948, c. 67 (C. 17:9A-65), any banking institution or savings and loan association may, at the option of such banking institution or savings and loan association, collect only interest as required periodic payments during the first 5 years of a mortgage loan.

3. This act shall take effect immediately.

Approved December 20, 1973.

CHAPTER 329

AN ACT concerning passage of ordinances and amending R. S. 40:49-2.

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

1. R. S. 40:49-2 is amended to read as follows:

Procedure for passage.

40:49-2. Except as otherwise provided in sections 40:49-6 and 40:49-12 of this Title, the procedure for the passage of ordinances shall be as follows:

a. Every ordinance after being introduced and having passed a first reading, which first reading may be by title, shall be published at least once in a newspaper published and circulated in the municipality, if there be one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. If there be only one such publication the same shall be at least 1 week prior to the time

fixed for further consideration for final passage. If there be more than one publication, the first shall be at least 1 week prior to the time fixed for further consideration for final passage.

b. At the time and place so stated in such publication, or at any time and place to which the meeting for the further consideration of the ordinance shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard concerning the ordinance. The opportunity to be heard shall include the right to ask pertinent questions concerning the ordinance by any resident of the municipality or any other person affected by the ordinance. Final passage thereof shall be at least 10 days after the first reading.

c. Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed with or without amendments, or rejected. Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in the principal municipal building of the municipality, and copies of the ordinance shall be made available to members of the general public of the municipality who shall request such copies. If any amendment be adopted, substantially altering the substance of the ordinance, the ordinance as so amended shall not be finally adopted until at least one week thereafter, and the ordinance as amended shall be read at a meeting of the governing body, which reading may be by title, and shall be published, together with a notice of the introduction, and the time and place when and where the amended ordinance will be further considered for final passage, at least 2 days prior to the time so fixed. At the time and place so fixed, or at any other meeting to which the further consideration of the amended ordinance may be adjourned, the governing body may proceed to pass the ordinance, as amended, or again amend it in the same manner.

d. Upon passage, every ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in a newspaper circulating in the municipality, if there be one, and if not, in a newspaper printed in the county and circulating in the municipality. No other notice or procedure with respect to the introduction or passage of any ordinance shall be required.

Nothing herein shall be construed to affect the provisions of sections 40:49-7 to 40:49-12 or section 40:49-27 of this Title.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 330

AN ACT to amend and supplement the "County Improvement Authorities Law," approved January 18, 1961 (P. L. 1960, c. 183).

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

1. Section 2 of P. L. 1968, c. 66 (C. 40:37A-45) is amended to read as follows:

C. 40:37A-45 Definitions.

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

(a) "Authority" shall mean a public body created pursuant to this act;

(b) "Bond resolution" shall have the meaning ascribed thereto in section 16 of this act;

(c) "Bonds" shall mean bonds, notes or other obligations issued pursuant to this act;

(d) "Construct" and "construction" shall connote and include acts of clearance, demolition, construction, development or redevelopment, reconstruction, replacement, extension, improvement and betterment;

(e) "Cost" shall mean, in addition to the usual connotations thereof, the cost of planning, acquisition or construction of all or any part of any public facility or facilities of an authority and of all or any property, rights, easements, privileges, agreements and franchises deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, architectural, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such public facility or facilities or part thereof and the placing of the same fully in operation or the disposition of the same, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal

of or interest on bonds during or after such acquisition or construction as the authority may determine, and also reimbursements to the authority or any governmental unit or person of any moneys theretofore expended for the purposes of the authority;

(f) The term "county" shall mean any county of any class of the State, and the term "the county" shall mean the county which created an authority pursuant to this act;

(g) "Development project" shall mean any lands, structures, or property or facilities acquired or constructed or to be acquired or constructed by an authority for the purposes of the authority described in clause (d) of section 11 of this act;

(h) "Facility charges" shall have the meaning ascribed to said term in section 14 of this act;

(i) "Facility revenues" shall have the meaning ascribed to said term in section 20(e) of this act;

(j) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(k) "Governmental unit" shall mean the United States of America or the State or any county or municipality or any subdivision, department, agency, or instrumentality heretofore or hereafter created, designated or established by or for the United States of America or the State or any county or municipality;

(l) "Local bond law" shall mean chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes (N. J. S.) as amended and supplemented;

(m) "Municipality" shall mean any city, borough, village, town, or township of the State but not a county or a school district;

(n) "Person" shall mean any person, partnership, association, corporation or entity other than a nation, State, county or municipality or any subdivision, department, agency or instrumentality thereof;

(o) "Project" shall have the meaning ascribed to said term in section 16 of this act;

(p) "Public facility" shall mean any lands, structures, franchises, equipment, or other property or facilities acquired or constructed or to be acquired or constructed by an authority for its purposes and either (i) operated or to be operated by the authority or by any governmental unit or person under a lease or other agreement by or with the authority or (ii) constituting a development project;

(q) "Real property" shall mean lands within or without the State, above or below water, and improvements thereof or thereon, or any riparian or other rights or interests therein;

(r) "Garbage and solid wastes disposal system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a county improvement authority, including incinerators, sanitary landfill facilities or other plants for the treatment and disposal of garbage, solid waste and refuse matter and all other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection and treatment or disposal in a sanitary manner of garbage, solid waste and refuse matter (but not including sewage); and

(s) "Garbage, solid waste or refuse matter" shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building but shall not include water-carried wastes or the kinds of wastes usually collected, carried away and disposed of by a sewerage system.

2. Section 11 of P. L. 1968, c. 66 (C. 40:37A-54) is amended to read as follows:

C. 40:37A-54 Purposes of authority.

11. The purposes of every authority shall be (a) provision within the county of public buildings for use by the State, the county, or any municipality in the county, or any two or more or any subdivisions, departments, agencies or instrumentalities of any of the foregoing, including buildings for use by any municipality bordering on the Atlantic ocean as enlargements or parts of or supplements to any municipal convention hall maintained by it, (b) provision within the county of structures, franchises, equipment and facilities for operation of public transportation or for terminal purposes, including development and improvement of port terminal structures, facilities and equipment for public use in counties in, along or through which a navigable river flows, (c) provision within the county of structures or other facilities used or operated by the authority or any governmental unit in connection with, or relative to development and improvement of, aviation for military or civilian purposes, including research in connection therewith, and including structures or other facilities for the accommodation of passengers, (d) acquisition of any real property within the county, with or without the improvements thereof or thereon or personal property appurtenant or incidental thereto,

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from the United States of America or any department, agency or instrumentality heretofore or hereafter created, designated or established by or for it, and the clearance, development or redevelopment, improvement, use or disposition of the acquired lands and premises in accordance with the provisions and for the purposes stated in this act, including the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of improvements on or to said lands and premises, and structures and facilities incidental to the foregoing as may be necessary, convenient or desirable, (e) acquisition, construction, maintenance and operation of garbage and solid waste disposal systems for the purpose of collecting and disposing of garbage, solid waste or refuse matter, and (f) any combination or combinations of the foregoing.

C. 40:37A-100 Disposal system operation subject to certain provisions.

3. Any solid waste disposal system operated by a county improvement authority shall be subject to the provisions of the "Solid Waste Management Act (1970)" (P. L. 1970, c. 39, C. 13:1E-1 et seq.), and to any rules and regulations adopted thereunder by the State Department of Environmental Protection.

C. 40:37A-101 Selection of site location for disposal system.

4. Whenever any county improvement authority chooses to exercise the powers granted by this amendatory and supplementary act with respect to the selection of a site location or locations for any facility of its garbage and solid waste disposal system, it shall so inform the Commissioner of Environmental Protection, and shall make or cause to be made, after consultation with the commissioner, such preliminary surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and revenues relating to the type and location of such garbage and solid waste disposal facilities, or any part thereof, which the authority may deem necessary to purchase or construct in order to protect the health, safety and welfare of the inhabitants of the county. In addition, the authority may make or cause to be made a study and a map of all existing garbage and solid waste disposal treatment and disposal facilities proposed for or already operating in the county. The undertaking of all such studies and surveys and the provision of the necessary maps, sketches, data and plans in connection therewith, shall be deemed a county purpose and the costs thereof may be paid out of general funds of the county; but all such costs shall be reimbursed to the county by the county improvement authority.

C. 40:37A-102 Responsibility for selection of final site; approval required.

5. Subject to an enabling resolution adopted by the governing body of the county which has created such an authority (hereinafter referred to as the host county) pursuant to the act to which this act is amendatory and supplementary, the county improvement authority shall have the responsibility for selecting a final site location or locations for any garbage and solid waste collection, treatment or disposal facilities to be operated by said authority. The governing body of the county shall not, however, adopt any such enabling resolution until the site location or locations tentatively designated by the improvement authority shall have been approved by:

a. The Commissioner of Environmental Protection, after an evaluation of all studies, surveys and plans, and any accompanying maps and data, as may be required by the commissioner pursuant to section 4 of this amendatory and supplementary act;

b. The governing bodies of the several municipalities situate within the county, by the adoption of concurring resolutions by any combination of such municipalities with an aggregate population of at least 75% of the total population of said county, as determined by the last decennial census; and

c. The planning board of the host county, by a resolution affirming that such site location or locations are compatible with the host county's master plan, or such county planning policies as may exist.

C. 40:37A-103 Classification of solid waste facility as public utility.

6. Any solid waste collection system or solid waste treatment or disposal facilities operated by a county improvement authority pursuant to the provisions of this amendatory and supplementary act, shall be deemed a public utility and shall be subject to such rules and regulations as may be adopted by the Board of Public Utility Commissioners in accordance with the provisions of the "Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40, C. 48:13A-1 et seq.). The improvement authority's application to operate any solid waste facility shall be considered at a public hearing by the Board of Public Utility Commissioners.

C. 40:37A-104 Municipalities authorized to use disposal system.

7. All facilities of a solid waste disposal system operated by a county improvement authority shall be open to use by any mu-

municipality or municipalities situate in the host county. Such facilities shall also be open to use by any municipality or municipalities situate in any county contiguous to the host county, provided that the population of said municipality, or the aggregate population of any several such municipalities, would not by itself or when added to the nonhost county population already using the improvement authority's facilities, be in excess of 10% of the total population of the host county. When the prospective nonhost county user population would exceed the foregoing 10% limit, the applications for use of the petitioning nonhost county municipalities shall require the prior approval of the governing bodies of the host county, and of any combination of municipalities situate therein, in accordance with the requirements and procedures set forth in section 5 of this amendatory and supplementary act.

C. 40:37A-105 Disposal of solid waste during term of contract; construction of section.

8. Upon contracting with a county improvement authority for the collection, treatment or disposal of garbage or solid waste as herein provided, no municipality shall, during the term of the contract, engage in, or grant, permit or enter into any new contract for, the collection, treatment and disposal of garbage and solid waste that might be competitive with the facilities or services being provided under contract to that municipality by the improvement authority.

This section shall in no way be construed so as to prevent or prohibit any municipality from erecting, constructing, operating and maintaining an incinerator or garbage and solid waste disposal plant or other means for the disposition of garbage and solid wastes in any manner or by any means by which the same may be lawfully erected, constructed, operated or maintained.

9. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 331

AN ACT to amend "An act concerning disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved June 17, 1966 (P. L. 1966, c. 121).

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

1. Section 1 of P. L. 1966, c. 121 (C. 2A:170-90.2) is amended to read as follows:

C. 2A:170-90.2 Penalty.

1. In addition to any other penalty or punishment otherwise prescribed by law, any employer who is party to an agreement made with a collective bargaining agent or with an individual employee which requires the payment of (a) wages or of benefits, or (b) contributions for the support of a fund out of which benefits may be paid, including, without limitation upon the generality of the foregoing, any pension fund, welfare fund or any fund for the support of any program or programs of educational or vacation benefits for the employees covered by such agreement, or any fund for the support of any apprenticeship program or programs in any trade, profession or occupation concerned in such agreement, or (c) other payments in connection with the employment of any employee or employees and who knowingly and willfully fails or refuses to make such payments within 30 days after such payments are required by said agreement to be made, or, in the case of wages, if the agreement fails to specify the time of payment, then within the time specified for the payment of wages by section 2, P. L. 1965, c. 173 (C. 34:11-4.2) is a disorderly person. If such employer is a corporation, the officer or employee responsible for such willful failure or refusal is a disorderly person.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 332

AN ACT concerning newspapers and amending R. S. 35:1-2.2.

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

1. R. S. 35:1-2.2 is amended to read as follows:

Publications by counties, municipalities, individuals or corporations; newspapers qualified to publish legal advertisements.

35:1-2.2. Whenever, by law, it is required that there be published by printing and publishing in a newspaper or newspapers ordinances, resolutions or notices or advertisements of any sort, kind or character by any county, city or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation, such newspaper or newspapers must, in addition to any other qualification now required by law, meet the following qualifications, namely: said newspaper or newspapers shall be entirely printed in the English language, shall be printed and published within the State of New Jersey, shall be a newspaper of general paid circulation possessing an average news content of not less than 35%, shall have been published continuously in the municipality where its publication office is situate for not less than 2 years and shall have been entered for 2 years as second-class mail matter under the postal laws and regulations of the United States. In case a newspaper cannot meet these qualifications itself but has acquired another newspaper which meets these qualifications, the acquiring newspaper shall be deemed to meet these qualifications if it is published in the same municipality and entered in the same post office as was the acquired newspaper. Continuous publication within the meaning of this section shall not be deemed interrupted by any involuntary suspension of publication for a period not exceeding 6 months resulting from loss, destruction, mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union, and any newspaper so affected shall not be disqualified hereunder in the event that publication is resumed within said period of 6 months.

For the purposes of this section and for the purpose of qualifying for legal advertisements generally, any newspaper which for not less than 2 years shall have been continuously printed in a building located within two municipalities and which for not less than 2 years shall have continuously maintained its editorial and business offices in said building shall be deemed to have been published continuously in each of said municipalities during that period and its publication office shall be deemed to have been situate in each municipality during that period.

In the event any newspaper which shall have been qualified to publish legal advertisements shall move its publication office to any municipality in the same county or in an adjacent county in this State and which shall otherwise continue to meet the qualifications of this section, it shall continue to be qualified to publish legal advertisements which it was qualified to publish prior to moving said publication office for a period of 2 years after the date of the moving of its publication office.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 333

AN ACT concerning education and supplementing chapter 54 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:54-23.1 Acceptance of students who reside in other counties.

1. Every county vocational school district board of education providing post secondary vocational-technical education shall, to the extent its facilities permit and subject to rules prescribed by the commissioner and approved by the State board, accept for post secondary vocational-technical education students who are residents of any other county in the State.

C. 18A:54-23.2 Issuance of certificate of residence.

2. Any person desiring to enroll in a post secondary vocational-technical program in a county vocational school district as a non-resident student shall apply to the chief fiscal officer of his county

of residence for a certificate of residence showing that said person is a resident of said county. The chief fiscal officer shall, upon application and submission to him of satisfactory evidence of such residence, issue said certificate provided that (a) the county does not maintain a vocational school providing such a program, or (b) the county vocational school district board of education certifies to the chief fiscal officer that it does not offer the particular course or curriculum desired by the applicant, or (c) the county vocational school cannot admit the applicant into a particular course or curriculum desired by the applicant pursuant to rules approved by the State Board of Education. If the chief fiscal officer refuses to issue such a certificate, the applicant may appeal to the board of chosen freeholders within 10 days of the receipt of notice of such refusal. The board of chosen freeholders shall hold a hearing on such appeal within a reasonable time, but not less than 10 days after notice is given to the chief fiscal officer and the applicant. The board of chosen freeholders shall notify the applicant of its decision within 10 days after such hearing.

C. 18A:54-23.3 Filing of certificate of residence.

3. Upon his registration for each school year, the nonresident student shall file with the county vocational school district board of education such a certificate of residence issued not more than 2 months prior thereto and such a certificate of residence shall be valid for the current year or the academic year next succeeding the date of issuance.

C. 18A:54-23.4 Charges for nonresident students.

4. Any county vocational school district board of education admitting nonresident students shall annually charge to, and collect from, each county of residence for each such student (a) \$200.00 to be applied to the county's share of the vocational school district's capital expenses and (b) the average county share of budgeted operating cost per full-time student as certified by the commissioner; provided however, that the said board of education may, with the approval of the commissioner, charge and collect a higher annual amount or amounts when high-cost or high-priority programs are provided.

C. 18A:54-23.5 Notification to department.

5. Each county vocational school district board of education shall notify the department of education of the names and addresses of all nonresident students and the courses and programs in which they are enrolled as of the second week of each term. Such notifi-

cation shall be made in writing no later than the end of the fourth week of each term.

6. This act shall take effect on July 1 next following enactment.

Approved December 27, 1973.

CHAPTER 334

AN ACT concerning the compensation of certain deputies and clerks employed by surrogates and amending P. L. 1970, c. 335.

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

1. Section 1 of P. L. 1970, c. 335 (C. 2A:5-16.1) is amended to read as follows:

C. 2A:5-16.1 Participation in cost of living bonus or longevity program.

1. The limitations imposed pursuant to N. J. S. 2A:5-16 on the amount of salary payable to any deputy surrogate, special deputy surrogate, executive clerk or chief clerk in the office of the surrogate, shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in such county.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 335

AN ACT concerning meadowlands riparian instruments and revising parts of the statutory law, and repealing section 101 of P. L. 1968, c. 404 (C. 13:1B-13.15).

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

1. Section 91 of P. L. 1968, c. 404 (C. 13:1B-13.5) is amended to read as follows:

C. 13:1B-13.5 Appeal.

91. (a) Any person aggrieved by a designation by the council

that certain parcels are State-owned lands may file with the council pertinent information, maps, studies or other matters documenting his claim of title. Within 90 days the council shall determine either to issue a statement or quitclaim deed indicating that the State has no interest or releases its claim in the property or shall reaffirm that all or part of said property is or may be State-owned.

(b) Any person aggrieved by a designation by the council that certain parcels are State-owned may, either initially or after requesting the review as provided by subsection (a), commence an action in the Superior Court to adjudicate the title dispute.

2. Section 93 of P. L. 1968, c. 404 (C. 13:1B-13.7) is amended to read as follows:

C. 13:1B-13.7 Application for conveyance, lease or riparian instrument.

93. (a) Any claimant of the meadowlands who shall desire to obtain a conveyance or lease of the State's interest in such land may apply to the council submitting with his application, a survey of the property showing its metes and bounds, an affidavit of title, a copy of the instrument of title under which he claims the land, a statement of the purpose for, and the manner in which, the claimant proposes to use or further improve the property and such other information as the council shall require.

(b) Any department, agency or instrumentality of the State, county, municipality, or any person, not a claimant, may apply to the council for a conveyance or lease of the State's interest in the meadowlands, said application shall contain a survey of the property showing its metes and bounds, a copy of the latest purported title which has been duly recorded in the county recording office in which the land is located, a statement of the purpose for, and the manner in which the applicant proposes to utilize or further improve the property, an affidavit of the applicant that he has sent notification of his application to the person or persons named in such instrument of title and to the person named as the owners in the tax records of the municipality in which the lands are located, and such other information as the council may require. No title or lease shall be issued pursuant to this subsection until any claimant to all, or part of, the property applied for has been given notice of the application and 3 months thereafter, in which to apply for a conveyance or lease of said lands.

(c) Any claimant owning meadowlands and applying only for a meadowlands grant or quitclaim instrument may apply for and

receive a meadowland's riparian instrument for such lands without regard to the requirement of notices to riparian proprietors contained in R. S. 12:3-7 and R. S. 12:3-7.1.

3. Section 94 of P. L. 1968, c. 404 (C. 13:1B-13.8) is amended to read as follows:

C. 13:1B-13.8 Disposition of application.

94. Within 10 days of receipt of any application for a conveyance or lease, or any extension thereof, the council or its staff shall send a copy of the application and all material submitted therewith to the Hackensack Meadowlands Development Commission, if said application pertains to lands within the district; the Department of Transportation; the Department of Community Affairs; and the Department of Environmental Protection and other interested governmental agencies. The council shall take no action on such application until receipt of the recommendations of said commission and departments and agencies regarding the application or for 45 days, whichever occurs first. Any such recommendation shall be considered by the council and the authorized State officials in determining the terms, conditions and consideration for the conveyance or lease, and a copy thereof shall be forwarded to the Governor.

(Deleted by amendment.)

(Deleted by amendment.)

4. Section 95 of P. L. 1968, c. 404 (C. 13:1B-13.9) is amended to read as follows:

C. 13:1B-13.9 Approval of application for lease, conveyance, license or permit.

95. The council shall, subject to the provisions of applicable law, approve an application for lease, conveyance, license or permit, if after investigation and a review of the recommendations submitted to it pursuant to section 94, it is satisfied that the lease, conveyance, license or permit will be in the public interest. In determining whether a lease, conveyance, license or permit is in the public interest, the council shall consider the environmental impact of the use proposed to be made of the property in question. The council shall further determine the fair market value of the property at the time of the lease, conveyance, license or permit and shall fix the proper consideration to be charged for the lease, conveyance, license or permit of the lands owned by the State or quitclaim of any claim asserted by the State. In determining such consideration the council shall take into account the actions of a

claimant under color of title who in good faith made improvements or paid taxes, or both, on the lands in question. Upon receipt of the payment of the consideration for a conveyance, the council and the appropriate State officers in accordance with the riparian statutes, shall convey the premises by deed of bargain and sale or quitclaim deed under the seal of the State. The council and the appropriate State officers shall require such terms and conditions in the conveyance instrument as it deems necessary and appropriate.

5. Section 96 of P. L. 1968, c. 404 (C. 13:1B-13.10) is amended to read as follows:

C. 13:1B-13.10 Determination of annual rental for lease or fee for license or permit.

96. The council shall investigate any application for a lease, license or permit in the meadowlands and if the council is satisfied that such a lease, license or permit will be in the public interest, or if the council approves the giving of a lease, license or permit in lieu of the conveyance applied for, the annual rental for the leasehold interest or the fee for the license or permit, shall be fixed based upon the fair market value of the land owned by the State or the value of any interest the State may have in said premises at the time of the lease, license or permit, upon such terms and conditions as the council may deem appropriate. In determining such annual rental the Council shall take into account the actions of a claimant under color of title who in good faith made improvements or paid taxes, or both, on the lands in question.

The lessee shall have the option of acquiring, if the council approves, a conveyance of the State's interest at any time during the term of the lease or any extension. In fixing the consideration for said conveyance, the council and the appropriate State officers shall determine the fair market value of the property and the State's interest therein at the start of the lease and shall give a reasonable credit for the rental paid by the lessee during the term of the lease or any extension thereof.

6. Section 100 of P. L. 1968, c. 404 (C. 13:1B-13.14) is amended to read as follows:

C. 13:1B-13.14 Effect on prior conveyances.

100. Except as expressly provided by this act, the council shall approve conveyances, leases, permits and licenses for meadowlands in the same manner and subject to the same provisions, terms, conditions and requirements as are applicable by law to all ri-

parian instruments. Any instrument conveying or releasing the State's interest in the meadowlands executed by the council prior to this act is valid and binding notwithstanding any inconsistency with the provisions of this act.

C. 13:1B-13.15 Repealed.

7. Section 101 of P. L. 1968, c. 404 (C. 13:1B-13.15) is repealed.

8. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 336

AN ACT concerning boards of education and amending N. J. S. 18A:12-20.

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

1. N. J. S. 18A:12-20 is amended to read as follows:

Indemnity of members of boards of education against cost of defense of civil or criminal action.

18A:12-20. Whenever a civil or a criminal action has been or shall be brought against any person for any act or omission arising out of and in the course of the performance of his duties as a member of a board of education, and in the case of a criminal action such action results in final disposition in favor of such person, the board of education shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom. Any board of education may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 337

AN ACT to provide alternatives for health care delivery, to provide for the establishment and certification of health maintenance organizations and to establish the duties and responsibilities of the Commissioner of Health and the Commissioner of Insurance in supervising these organizations, supplementing Title 26 of the Revised Statutes and making an appropriation therefor.

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

C. 26:2J-1 Short title.

1. Short title. This act may be cited as the "Health Maintenance Organizations Act."

C. 26:2J-2 Definitions.

2. Definitions. a. "Commissioner" means the State Commissioner of Health.

b. "Basic health care services" means those services, including but not limited to emergency care, inpatient hospital and physician care, and outpatient medical services, designated by regulations promulgated by the commissioner.

c. "Health care services" includes basic health care services and any additional services designated by regulations promulgated by the commissioner.

d. "Enrollee" means an individual who has been enrolled with a health maintenance organization.

e. "Evidence of coverage" means any booklet, certificate, agreement, or contract issued to an enrollee setting out the services and other benefits to which he is entitled.

f. "Health maintenance organization" means any person which directly or through contracts with providers furnishes at least basic comprehensive health care services on a prepaid basis to enrollees in a designated geographical area.

g. "Person" means any natural or artificial person including but not limited to individuals, partnerships, associations, trusts, or corporations.

h. "Provider" means any physician, hospital, or other person

which is licensed or otherwise authorized in this State to furnish health care services.

i. "Health care facility" means the facility or institution whether public or private, engaged in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for the sheltered care of adult persons and bio-analytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

C. 26:2J-3 Establishment of health maintenance organizations.

3. Establishment of health maintenance organizations. a. Notwithstanding any law of this State to the contrary, any person may apply to the commissioner for and obtain a certificate of authority to establish and operate a health maintenance organization in compliance with this act. No person shall establish or operate a health maintenance organization in this State without compliance with regulations to be promulgated by the commissioner, nor sell, offer to sell, or solicit offers to purchase or receive advance or periodic consideration in conjunction with a health maintenance organization without obtaining a certificate of authority under this act. When the establishment or operation of a health maintenance organization involves the construction of a health care facility or any change in or expansion of a health care facility or involves the institution of new health care services as defined in section 7 of the Health Care Facilities Planning Act (P. L. 1971, c. 136, C. 26:2H-7), said health maintenance organization shall abide by all provisions of P. L. 1971, c. 136. All health care facilities utilized by a health maintenance organization or its agents shall comply with the licensure provisions of section 12 of the Health Care Facilities Planning Act (C. 26:2H-12).

b. Every health maintenance organization as of the effective date of this act shall submit an application for a certificate of authority under subsection c. of this section within 90 days of the effective date of this act. Each such applicant may continue to operate until the commissioner acts upon the application. In the

event that an application is denied under section 4, hereof, the applicant shall henceforth be treated as a health maintenance organization whose certificate of authority has been revoked.

c. Each application for a certificate of authority shall be verified by an officer or authorized representative of the applicant, shall be in a form prescribed by the commissioner, and shall set forth or be accompanied by the following:

(1) a copy of the basic organizational document of the applicant such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(2) a copy of the bylaws, rules and regulations, or similar document regulating the conduct of the internal affairs of the applicant;

(3) a list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant;

(4) a copy of any contract made or to be made between any providers or persons listed in paragraph (3) of this subsection and the applicant;

(5) a copy of any contract made or to be made with an insurer or a hospital or medical service corporation;

(6) a statement generally describing the health maintenance organization, its facilities, and personnel;

(7) a copy of the form of evidence of coverage to be issued to the enrollees;

(8) a copy of the form of the group contract, if any, which is to be issued to employers, unions, trustees, or other organizations;

(9) recent financial statements showing the applicant's assets, liabilities, and sources of financial support;

(10) a general description of the proposed method of marketing and financing and a statement as to the sources of funding;

(11) a power of attorney duly executed by such applicant, if not domiciled in this State, appointing the commissioner and his successors in office, and duly authorized deputies, as the true and lawful attorney of such applicant in and for this State upon whom all lawful process in any legal action or proceeding against the health maintenance organization on a cause of action arising, in this State may be served;

(12) a statement reasonably describing the geographic area or areas to be served;

(13) a general description of the complaint procedures to be utilized as required under section 12, hereof;

(14) a general description of the procedures and programs to be implemented to meet the quality of health care requirements in section 4 a. (2), hereof;

(15) a general description of the mechanism by which enrollees will be afforded an opportunity to participate in matters of policy and operation under section 6 b., hereof,

(16) such other information as the commissioner may require to make the determinations required by section 4 hereof.

d. (1) a health maintenance organization shall, unless otherwise provided for in this act, file a notice describing any modification of the information required by subsection c. of this section. Such notice shall be filed with the commissioner prior to the modification. If the commissioner does not disapprove within 30 days of filing, such modification shall be deemed approved.

(2) the commissioner may promulgate rules and regulations exempting from the filing requirements of paragraph (1) of this subsection those items he deems unnecessary.

C. 26:2J-4 Issuance of certificate of authority.

4. Issuance of certificate of authority. a. (1) Upon receipt of an application for issuance of a certificate of authority the commissioner shall forthwith transmit copies of such application and accompanying documents to the Commissioner of Insurance. The approval of the Commissioner of Insurance shall be required to the extent that the proposal involves the doing of an insurance business or a contract with an insurer or hospital or medical service corporation.

(2) The commissioner shall determine whether the applicant for a certificate of authority:

(a) has demonstrated the potential ability to assure that such health care services will be provided in a manner to assure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) has arrangements for an on-going quality of health care assurance program; and

(c) has a procedure to establish and maintain a uniform system of cost accounting approved by the commissioner; establish and maintain a uniform system of reports and audits meeting the

requirements of the commissioner; and prepare and review annually a long range plan for the provision of health care services, which plan shall be compatible with the State Health Plan established pursuant to the "Comprehensive Health Planning and Public Health Services Amendments of 1966" (Federal Law 89-749) as related to medical health services, health care services and health manpower.

(3) Where the application has been rejected the commissioner shall specify in what respect it fails to comply and, if applicable, specifies in what respect the proposal fails to comply with the requirements of the Commissioner of Insurance.

b. Issuance of a certificate of authority shall be granted upon payment of the application fee prescribed in section 23 hereof if the commissioner and, if applicable, the Commissioner of Insurance, are satisfied that the following conditions are met:

(1) the health maintenance organization's proposed plan of operation meets the requirements of subsection a. (2) of this section;

(2) the applicant's proposal sets forth an appropriate mechanism whereby the health maintenance organization will effectively provide or arrange for the provision of health care services on a prepaid basis;

(3) the health maintenance organization is financially sound and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the commissioner may consider:

(a) the adequacy of working capital and funding sources;

(b) agreements if any, with an insurer, a hospital or medical service corporation, a government, or any other organization for insuring the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage in the event of discontinuance of the plan;

(c) any agreement with providers for the provision of health care services;

(d) any deposit of cash or form of guaranty or security submitted in accordance with section 14 hereof to assure that the obligations will be duly performed; and

(e) the financial soundness of the health maintenance organization's arrangements for health care services and the schedule of charges used in connection therewith;

(4) the enrollees will be afforded an opportunity to participate in matters of policy and operation pursuant to section 6 hereof;

(5) nothing in the proposed method of operation, as shown by the information submitted pursuant to section 3 hereof or by independent investigation, is contrary to the public interest; and

(6) any deficiencies found by the commissioner or the Commissioner of Insurance have been corrected.

c. A certificate of authority shall be denied only after compliance with the requirements of section 22 hereof.

C. 26:2J-5 Powers of health maintenance organizations.

5. Powers of health maintenance organizations. a. The powers of a health maintenance organization include, the following:

(1) the purchase, lease, construction, renovation, operation, or maintenance of health care facilities, and their ancillary equipment, and such property as may reasonably be required for its principal office or for such other purposes as may be necessary in the transaction of the business of the organization;

(2) the receiving of funds by loan or otherwise;

(3) the making of loans to a medical group under contract with it in furtherance of its program or the making of loans to a corporation or corporations under its control for the purpose of acquiring or constructing health care facilities or in furtherance of a program providing health care services to enrollees;

(4) the assumption of responsibility for the furnishing of health care services through providers which are under contract with or employed by the health maintenance organization to persons including but not limited to enrollees;

(5) the contracting with any person for the performance on its behalf of certain functions such as marketing, enrollment and administration;

(6) the contracting with an insurance company licensed in this State, or with a hospital or medical service corporation authorized to do business in this State, for the provision of insurance, indemnity, or reimbursement against the cost of health care services provided by the health maintenance organization which may include provisions for reasonable classifications for the purpose of establishing rates and reasonable restrictions based on underwriting considerations; and

(7) the offering, in addition to basic health care services, of:

(a) additional health care services;

(b) indemnity benefits covering out-of-area or emergency services; and

(c) indemnity benefits, in addition to those relating to out-of-area and emergency services, provided through insurers or hospital or medical service corporations.

b. (1) A health maintenance organization shall file notice, with adequate supporting information, with the commissioner prior to the exercise of any power granted in subsection a. (1) or (2) of this section. The commissioner shall disapprove such exercise of power if in his opinion it would substantially and adversely affect the financial soundness of the health maintenance organization and endanger its ability to meet its obligations. If the commissioner does not disapprove within 30 days of filing, it shall be deemed approved.

(2) The commissioner may promulgate rules and regulations exempting from the filing requirements of paragraph (1) of this subsection those activities having a de minimis effect.

C. 26:2J-6 Governing body.

6. Governing body. a. The governing body of any health maintenance organization may include providers, other individuals, or both.

b. Such governing body shall establish a mechanism to afford the enrollees an opportunity to participate in matters of policy and operation through the establishment of advisory panels, by the use of advisory referenda on major policy decisions, or through the use of other mechanisms.

C. 26:2J-7 Protection against wrongful acts.

7. Protection against wrongful acts. Any director, officer employee or partner of a health maintenance organization who receives, collects, disburses, or invests funds in connection with the activities of such organization shall be bonded in an amount to be determined by the commissioner.

C. 26:2J-8 Evidence of coverage.

8. Evidence of coverage. a. (1) Enrollees are entitled to receive evidence of coverage and evidence of the total amount of payment which the enrollee is obligated to prepay for health care services and, where applicable, for indemnity benefits. If an enrollee obtains coverage through an insurance policy or through a contract issued by a hospital or medical service corporation, whether by option or otherwise, the insurer or the hospital or medical service

corporation shall issue the evidence of coverage. Otherwise, the health maintenance organization shall issue the evidence of coverage.

(2) No evidence of coverage, or amendment thereto, shall be issued or delivered to any person until a copy of the form of the evidence of coverage, or amendment thereto, has been filed with the commissioner or, where applicable, with the Commissioner of Insurance.

(3) An evidence of coverage shall contain:

(a) provisions or statements which are not unjust, unfair, inequitable, misleading, deceptive, or which encourage misrepresentation, or which are untrue, misleading or deceptive as defined in section 14 a., hereof; and

(b) a clear and complete statement, if a contract, or a reasonably complete summary, if a certificate, of:

(i) the health care services and where applicable the insurance or other benefits, if any, to which enrollees are entitled;

(ii) any limitations on the services, kind of services, benefits, or kind of benefits, to be provided, including any deductible or co-payment feature;

(iii) where and in what manner information is available as to how services may be obtained;

(iv) a clear and understandable description of the health maintenance organization's method for resolving enrollee complaints; and

(v) the total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay with respect to individual contracts, or an indication whether the plan is contributory or non-contributory with respect to group certificates.

(4) Any subsequent change may be evidenced in a separate document issued to the enrollee.

b. (1) no schedule of charges for enrollee coverage for health care services, or amendment thereto, may be used by a health maintenance organization until a copy of such schedule, or amendment thereto, has been filed with and approved by the commissioner. The Commissioner of Insurance shall certify to the commissioner whether the schedule of charges meets the requirements of paragraph (2) of this subsection.

(2) such charges may be established in accordance with actuarial principles for various categories of enrollees, provided that charges

applicable to an enrollee shall not be individually determined based on the status of his health. However, the charges shall not be excessive, inadequate, or unfairly discriminatory. A certification, by a qualified actuary, to the appropriateness of the charges, based on reasonable assumptions, shall accompany the filing along with adequate supporting information.

c. The commissioner or, where applicable, the Commissioner of Insurance shall approve any form if the requirements of subsection a. of this section are met and any schedule of charges if the requirements of subsection b. of this section are met. It shall be unlawful to issue such form or to use such schedule of charges until approved. If the commissioner or Commissioner of Insurance, where applicable, disapproves such filing, he shall notify the filer. In the notice, the commissioner or Commissioner of Insurance, where applicable, shall specify the reasons for his disapproval. A hearing will be granted within 20 days after a request in writing by the person filing. If the commissioner or Commissioner of Insurance, where applicable, does not approve any form within 30 days of the filing of such forms or charges, they shall be deemed approved.

d. The commissioner or Commissioner of Insurance, where applicable, may require the submission of whatever relevant information he deems necessary in determining whether to approve or disapprove a filing made pursuant to this section.

C. 26:2J-9 Annual report.

9. Annual report. a. Every health maintenance organization shall annually, on or before March 1, file a report verified by at least two principal officers with the commissioner, with a copy to the Commissioner of Insurance covering the preceding calendar year.

b. Such report shall be on forms prescribed by the commissioner and shall include:

(1) a financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding year certified by an independent public accountant;

(2) any material changes in the information submitted pursuant to section 3 c. hereof;

(3) the number of persons enrolled during the year, the number of enrollees as of the end of the year and the number of enrollments terminated during the year;

- (4) a summary of information compiled pursuant to section 4 a.
- (2) (c) hereof in such form as required by the commissioner; and
- (5) such other information relating to the performance of the health maintenance organization as is necessary to enable the commissioner to carry out his duties under this act.

C. 26:2J-10 Information to enrollees.

10. Information to enrollees. a. Every health maintenance organization shall annually provide to its enrollees:

- (1) a summary of any material changes since the issuance of the last report;
- (2) a description of the available health care services and information as to where and how to secure them; and
- (3) a clear and understandable description of the health maintenance organization's method for resolving enrollee complaints.

b. Every health maintenance organization shall make available to its enrollees the most recent annual statement of financial condition.

C. 26:2J-11 Annual open enrollment period.

11. a. After a health maintenance organization has been in operation 24 months, it shall have an annual open enrollment period of at least one month during which it accepts enrollees up to the limits of its capacity, as determined by the health maintenance organization, in the order in which they apply for enrollment. A health maintenance organization may apply to the commissioner for authorization to impose such underwriting restrictions upon enrollment as are necessary to preserve its financial stability, to prevent excessive adverse selection by prospective enrollees, or to avoid unreasonably high or unmarketable charges for enrollee coverage for health care services. The commissioner shall approve or deny such application within 30 days of the receipt thereof from the health maintenance organization. The Commissioner of Insurance shall certify to the commissioner the appropriateness of any requested underwriting restrictions.

b. Health maintenance organizations providing or arranging for services exclusively on a group contract basis may limit the open enrollment provided for in subsection a. to all members of the group or groups covered by such contracts.

C. 26:2J-12 Complaint system.

12. Complaint system. a. (1) Every health maintenance organi-

zation shall establish and maintain a complaint system to provide reasonable procedures for the resolution of written complaints initiated by enrollees concerning health care services.

(2) Each health maintenance organization shall submit to the commissioner an annual report in a form prescribed by him which shall include:

- (a) a description of the procedures of such complaint system;
- (b) the total number of written complaints handled through such complaint system and a compilation of causes underlying the complaints filed; and
- (c) the number, amount, and disposition of malpractice claims settled during the year by the health maintenance organization and any of the providers used by it.

b. The health maintenance organization shall maintain records of written complaints filed with it concerning other than health care services and shall submit to the commissioner a summary report at such times and in such format as the commissioner may require.

c. The commissioner may examine such complaint system.

C. 26:2J-13 Investments.

13. Investments. With the exception of investments made in accordance with section 5 a. (1) and (3) hereof, the investable funds of a health maintenance organization shall be only in securities or other investments permitted by the laws of this State for the investment of assets constituting the legal reserves of life insurance companies or such other securities or investments as the commissioner may permit with the approval of the Commissioner of Insurance.

C. 26:2J-14 Protection against insolvency.

14. Protection against insolvency. Each health maintenance organization shall deposit cash or a form of guaranty or security in such amount as will assure that the obligations to the enrollees will be performed in such amount and for such time as prescribed by the commissioner, or where applicable by the Commissioner of Insurance. The commissioner may waive this requirement whenever satisfied that the assets of the organization or its contracts with insurers, hospital or medical service corporation governments, or other organizations are sufficient to reasonably assure the performance of its obligations.

C. 26:2J-15 Prohibited practices.

15. Prohibited practices. a. No health maintenance organization,

or representative thereof, may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive. For purpose of this act:

(1) a statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment in, a health care plan;

(2) a statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue, if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person, not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation, or disadvantage of possible significance to an enrollee of, or person considering enrollment in, a health care plan, if such benefit or advantage or absence of limitation, exclusion or disadvantage does not in fact exist;

(3) an evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole, and with consideration given to typography and format, as well as language, shall be such as to cause a reasonable person, not possessing special knowledge regarding health care plans and evidences of coverage therefore, to expect benefits, services, charges, or other advantages which the evidence of coverage does not provide or which the health care plan issuing such evidence of coverage does not regularly make available for enrollees covered under such evidence of coverage.

b. The unfair trade practice provisions of the New Jersey insurance law (N. J. S. 17B:30-1 through 22) shall be construed to apply to health maintenance organizations, health care plans and evidences of coverage except to the extent that the commissioner determines that the nature of health maintenance organizations, health care plans and evidence of coverage render such sections clearly inappropriate.

c. An enrollee may not be canceled or nonrenewed except for the failure to pay the charge for such coverage, or for such other reasons as may be promulgated by the commissioner.

d. No health maintenance organization, unless licensed as an insurer, may use in its name, evidence of coverage, or literature any of the words "insurance," "assurance," "casualty," "surety,"

“mutual,” or any other words descriptive of the insurance, casualty, or surety business or deceptively similar to the name or description of any insurance, or surety corporation doing business in this State.

The provisions of this section shall be enforced by the State Director of the Division of Consumer Affairs and, where applicable, the commissioner or the Commissioner of Insurance. Nothing in this act shall limit the powers of the Attorney General and the procedures with respect to consumer fraud in N. J. S. 56:8-1 et seq.

C. 26:2J-16 Regulation of agents.

16. Regulation of agents. The commissioner may, after notice and hearing, promulgate such reasonable rules and regulations, which have been approved by the Commissioner of Insurance, as are necessary to provide for the certification of agents. An agent as used herein means a person directly or indirectly associated with a health maintenance organization who engages in solicitation or enrollment for compensation.

C. 26:2J-17 Powers of insurers and hospital and medical service corporations.

17. Powers of insurers and hospital and medical service corporations. a. An insurance company licensed in this State, or a hospital or medical service corporation authorized to do business in this State, may either directly or through a subsidiary or affiliate organize and operate a health maintenance organization under the provisions of this act. Notwithstanding any other law which may be inconsistent herewith, any two or more such insurance companies, hospital or medical service corporations, or subsidiaries or affiliates thereof, may jointly organize and operate a health maintenance organization.

b. Notwithstanding any provision of Title 17 of the Revised Statutes and Title 17B of the New Jersey Statutes, an insurer or a hospital or medical service corporation may contract with a health maintenance organization to provide insurance or protection against the cost of care furnished through health maintenance organizations and to provide coverage in the event of the failure of health maintenance organization to meet its obligations. The enrollees of a health maintenance organization constitute a permissible group under such laws. Among other things, under such contracts, the insurer or hospital or medical service corporation may make benefit payments to health maintenance organizations for health care services rendered by providers.

C. 26:2J-18 Examinations.

18. Examinations. a. Not less frequently than once every 3 years the commissioner may make an examination concerning the quality of health care services and other affairs of the health maintenance organization and providers with whom such organization has contracts, agreements, or other arrangements. The commissioner may make such examination at any time.

b. Every health maintenance organization and provider shall submit its books and records to such examinations. For the purpose of examinations, the commissioner may administer oaths to, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

c. The expenses of examinations under this section up to \$1,000.00 annually shall be assessed against the organization being examined and such amount shall be remitted to the commissioner.

d. In lieu of such examination, the commissioner may accept the report of an examination made by the Commissioner of Health or Commissioner of Insurance of another state.

C. 26:2J-19 Suspension or revocation of certificate of authority.

19. Suspension or revocation of certificate of authority. a. The commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization under this act if he finds that any of the following conditions exist:

(1) The health maintenance organization is operating in a manner significantly contrary to that described in section 3, hereof unless amendments to such submissions have been filed with the commissioner;

(2) The health maintenance organization issues evidence of coverage which does not comply with the requirements of section 8 hereof;

(3) the health maintenance organization does not provide or arrange for basic health care services;

(4) the commissioner finds that:

(a) the health maintenance organization does not meet the requirements of section 4 a. (2), hereof; or

(b) the health maintenance organization is unable to fulfill its obligations to furnish health care services.

(5) the health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(6) the health maintenance organization has failed to implement a mechanism affording the enrollees an opportunity to participate in matters of policy and operation under section 6, hereof;

(7) the health maintenance organization has failed to implement the complaint system required by section 12 hereof in a manner to reasonably resolve valid complaints;

(8) the continued operation of the health maintenance organization would be hazardous to the health and safety of its enrollees;

(9) the health maintenance organization has otherwise failed to substantially comply with this act; or

(10) the health maintenance organization, or any person on its behalf, has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner.

b. A certificate of authority shall be suspended or revoked only after compliance with the requirements of section 21, hereof.

c. When the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of such suspension, enroll any additional enrollees except newborn children or other newly acquired dependents of existing enrollees, and shall not engage in any advertising or solicitation whatsoever.

d. When the certificate of authority of a health maintenance organization is revoked, such organization shall proceed, immediately following the effective date of the order of revocation, to dissolve its structure, and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of such organization. It shall engage in no further advertising or solicitation whatsoever. The commissioner or where applicable the Commissioner of Insurance may, by written order, permit such further operation of the organization as he may find to be in the best interest of enrollees, to the end that enrollees will be afforded the greatest practical opportunity to obtain continuing health care coverage.

C. 26:2J-20 Rehabilitation, liquidation, or conservation of health maintenance organization.

20. Rehabilitation, liquidation, or conservation of health maintenance organization. Any rehabilitation, liquidation or conservation of a health maintenance organization shall be subject to the law concerning the rehabilitation, liquidation, or conservation of an insurance company as stated in chapter 32 of Title 17B of the New Jersey Statutes and shall be conducted under the supervision

of the commissioner or where applicable the Commissioner of Insurance. The commissioner or where applicable the Commissioner of Insurance may apply for an order directing him to rehabilitate, liquidate, or conserve a health maintenance organization upon any one or more applicable grounds as stated in chapter 32 of Title 17B of the New Jersey Statutes and other provisions of said Title when in his opinion the company fails to satisfy the requirements for the issuance of a certificate of authority relating to solvency under section 4 b. (3) hereof or when in his opinion the continued operation of the health maintenance organization would be hazardous either to the enrollees or to the people of this State.

C. 26:2J-21 Regulation.

21. Regulation. The commissioner may, upon notice and hearing, promulgate reasonable rules and regulations, as are necessary or proper to carry out the provisions of this act. Where applicable, such rules and regulations shall be promulgated after consultation with the Commissioner of Insurance. Such rules and regulations shall specify those determinations in this act which are to be made by the Commissioner of Insurance and shall be subject to review in accordance with the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

C. 26:2J-22 Administrative procedures.

22. Administrative procedures. a. When the commissioner has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, he shall notify the health maintenance organization and the Commissioner of Insurance in writing specifically stating the grounds for denial, suspension, or revocation and fixing a time of at least 20 days thereafter for a hearing on the matter.

b. The Commissioner of Insurance, or his designated representative, shall be in attendance at the hearing and shall participate in the proceedings. The recommendation and findings of the Commissioner of Insurance with respect to matters relating to the doing of an insurance business or contract with an insurer or hospital or medical services corporation, provided in connection with any decision regarding denial, suspension, or revocation of a certificate of authority, shall be conclusive and binding upon the commissioner. After such hearing, or upon the failure of the health maintenance organization to appear at such hearing, the commissioner shall take action as is deemed advisable on written findings which shall be

mailed to the health maintenance organization with a copy thereof to the Commissioner of Insurance. The action of the commissioner and the recommendation and findings of the Commissioner of Insurance and the levy of any administrative penalty shall be subject to judicial review in accordance with chapter 34 of Title 17B of the New Jersey Statutes.

c. The provisions of the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.) of this State shall apply to proceedings under this section to the extent they are not in conflict with subsections a. and b. of this section.

C. 26:2J-23 Fees.

23. Fees. Every health maintenance organization subject to this act shall pay to the commissioner the following fees:

- a. for filing an application for a certificate of authority or amendment thereto, \$100.00;
- b. for filing each annual report, \$10.00.

C. 26:2J-24 Penalties and Enforcement.

24. Penalties and Enforcement. a. The commissioner may, in lieu of suspension or revocation of a certificate of authority under section 18 hereof, levy an administrative penalty in an amount not less than \$100.00 nor more than \$1,000.00, if reasonable notice in writing is given of the intent to levy the penalty and the health maintenance organization has a reasonable time within which to remedy the defect in its operations which gave rise to the penalty citation, and fails to do so within said time. Any such penalty may be recovered in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

b. Any person who violates this act is a disorderly person and shall be prosecuted and punished pursuant to the "disorderly persons law" subtitle 12 of Title 2A of the New Jersey Statutes.

c. (1) If the commissioner or the Commissioner of Insurance shall for any reason have cause to believe that any violation of this act has occurred or is threatened, the commissioner or Commissioner of Insurance may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in such suspected violation, to arrange a conference with the alleged violators or their authorized representatives for the purpose of attempting to ascertain the facts relating to such suspected violation, and, in the event it appears that any violation has occurred or is threatened, to arrive at an

adequate and effective means of correcting or preventing such violation.

(2) Proceedings under this subsection c. shall not be governed by any formal procedural requirements, and may be conducted in such manner as the commissioner or the Commissioner of Insurance may deem appropriate under the circumstances.

d. (1) The commissioner or the Commissioner of Insurance may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in violation of the provisions of this act.

(2) Within 20 days after service of the order of cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this act have occurred. Such hearings shall be conducted pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.) and judicial review shall be available as provided therein.

e. In the case of any violation of the provisions of this act, if the commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to subsection d. of this section, the commissioner may institute a proceeding to obtain injunctive relief, in accordance with the applicable Court Rules.

C. 26:2J-25 Statutory construction and relationship to other laws.

25. Statutory construction and relationship to other laws.

a. Except as otherwise provided in this act, provisions of the insurance law and provisions of hospital or medical service corporation laws shall not be applicable to any health maintenance organization granted a certificate of authority under this act. This provision shall not apply to an insurer or hospital or medical service corporation licensed and regulated pursuant to the insurance laws or the hospital or medical service corporation laws of this State except with respect to its health maintenance organization activities authorized and regulated pursuant to this act. Charges paid by or on behalf of enrollees of a health maintenance organization with respect to health care services shall not be subject to taxation by the State or any of its political subdivisions.

b. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, shall not be construed to violate any provision of law relating to solicitation or advertising by health professionals.

c. Any health maintenance organization authorized under this act shall not be deemed to be practicing medicine and shall be exempt from the provision of chapter 9 of Title 45, Medicine and Surgery, of the Revised Statutes relating to the practice of medicine.

d. No person participating in the arrangements of a health maintenance organization other than the actual provider of health care services or supplies directly to enrollees and their families shall be liable for negligence, misfeasance, nonfeasance or malpractice in connection with the furnishings of such services and supplies.

C. 26:2J-26 Filings and reports as public documents.

26. Filings and reports as public documents. All applications, filings and reports required under this act shall be treated as public documents and, except for contracts referred to in section 3 c. (4) and 3 c. (5), hereof shall not be considered to be confidential.

C. 26:2J-27 Confidentiality of medical information.

27. Confidentiality of medical information. Any data or information pertaining to the diagnosis, treatment, or health of any enrollee or applicant obtained from such enrollee or from any provider by any health maintenance organization shall be held in confidence and shall not be disclosed to any person except to the extent that it may be necessary to carry out the purposes of this act; or upon the express consent of the enrollee or applicant; or pursuant to statute or court order for the production of evidence or the discovery thereof; or in the event of claim or litigation between such enrollee and the health maintenance organization wherein such data or information is pertinent. A health maintenance organization shall be entitled to claim any statutory privileges against such disclosure which the provider who furnished such information to the health organization is entitled to claim.

C. 26:2J-28 Commissioner of health's authority to contract.

28. Commissioner of health's authority to contract. The commissioner or where applicable the Commissioner of Insurance, in carrying out his obligations under sections 4 a. (2), and 18 a. hereof, may contract with qualified persons to make recommendations concerning the determinations required to be made by him. Such recommendations may be accepted in full or in part by the commissioner or Commissioner of Insurance.

C. 26:2J-29 Enrollment of State employees.

29. Enrollment of State employees. Any employee of the State

or any subdivision of the State or any institution supported in whole or in part by the State may elect to enroll in a health maintenance organization and have all deductions from his salary or wages and all contributions being paid by his employer to any health insurer paid instead to a health maintenance organization; provided, however, in no event, shall an employer under this section make a contribution to any alternative health benefits program greater than the contribution being made to any health plan pursuant to a contract in existence on the effective date of this act. Any such employee shall at least annually be allowed to choose an alternative health benefits program made available through his employer.

C. 26:2J-30 Severability.

30. Severability. If any section, term, or provision of this act shall be adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, term, or provision of this act, but the remaining sections, terms, and provisions shall be and remain in full force and effect.

31. There is hereby appropriated to the Department of Health from the General State Fund the sum of \$30,000.00 or so much therefor as may be necessary, for the purposes of carrying out the functions and duties pursuant to this act.

32. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 338

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for education purposes," approved May 14, 1969 (P. L. 1969, c. 46).

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

1. There is hereby appropriated to the State Department of Education, from the Public Buildings Construction Fund, the sum of \$4,000,000.00, or so much thereof as may be necessary, for

buildings, structures, facilities, and equipment required for the operation of vocational education programs, for expenditure for the period ending June 30, 1974 for the following projects:

School District	Total Project Cost (Adjusted)	Entitlement State Bond Issue Funds	Appropriations Available for the Period July 1, 1973 to June 30, 1974
Atlantic County			
Atlantic County AVTS	\$4,254,170	\$1,063,542	\$573,190
Bergen County			
Bergen County AVTS:			
Hackensack (Addition)	330,000	82,500	30,000
Paramus (Special Needs Center)	1,030,000	257,500	9,342
Shared-Time Center:			
West Central Bergen	1,575,000	393,750	20,000
Burlington County			
Burlington County AVTS	5,341,522	690,639	50,000
Shared-Time Centers:			
Springfield Township	4,500,000	1,125,000	10,000
Medford	4,500,000	1,125,000	90,000
Camden County			
Camden City			
Special Needs Center	662,000	165,500	10,000
Camden County AVTS	8,668,717	1,543,734	96,839
Special Needs Center	6,000,000	1,500,000	150,000
Cape May County			
Cape May County AVTS			
Auxiliary Buildings	150,000	37,500	23,045
Addition	492,000	123,000	92,311
Cumberland County			
Cumberland County AVTS	3,300,000	819,000	300,000
Gloucester County			
Gloucester County AVTS	3,765,000	941,250	400,000

School District	Total Project Cost (Adjusted)	Entitlement State Bond Issue Funds	Appro- priations Available for the Period
			July 1, 1973 to June 30, 1974
Mercer County			
Mercer County AVTS			
Shared-Time Centers:			
Assunpink Center	2,800,000	700,000	350,000
North Center	3,000,000	750,000	30,000
Middlesex County			
Middlesex County AVTS:			
East Brunswick Addition	164,000	41,000	20,000
Perth Amboy Addition	500,000	125,000	10,000
Northwest Middlesex County	10,000,000	2,500,000	30,000
Monmouth County			
Monmouth County AVTS			
Shared-Time Centers:			
Matawan	500,000	125,000	5,000
New Shrewsbury	500,000	125,000	25,000
Morris County			
Morris County AVTS	1,541,400	385,350	200,000
Addition	800,000	200,000	50,000
Ocean County			
Ocean County AVTS			
Shared-Time Centers:			
Brick Township	1,231,452	307,863	67,734
Jackson Township	954,428	238,607	42,632
Ocean Township	845,548	211,387	42,183
Toms River	2,000,000	500,000	30,000
Passaic County			
Passaic County AVTS			
Special Needs Center	2,081,049	520,262	200,000
Salem County			
Salem County AVTS	1,850,000	462,500	100,000

School District	Total Project Cost (Adjusted)	Entitlement State Bond Issue Funds	Appropriations Available for the Period July 1, 1973 to June 30, 1974
Somerset County			
Somerset County AVTS	8,100,000	1,885,798	562,724
Sussex County			
Sussex County AVTS			
Addition II	3,000,000	750,000	30,000
Union County			
Linden AVTS	3,338,110	792,027	350,000
Total			\$4,000,000

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 339

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for higher education purposes," approved April 11, 1972 (P. L. 1972, c. 10).

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

1. There is hereby appropriated to the Department of Higher Education from the Higher Education Buildings Construction Fund, established pursuant to the New Jersey Higher Education Buildings Construction Bond Act of 1971, P. L. 1971, c. 164, the sum of \$4,060,000.00, or that portion thereof as may be required, for land acquisition and the planning, construction, rehabilitation and equipping of facilities, services, and buildings at the various public institutions of higher education. The appropriations will fund the

foregoing types of projects approved by the Board of Higher Education in the amounts and at the institutions as follows:

Institution	Amount
Montclair State College:	\$600,000
Site development and utilities	\$600,000
Trenton State College:	600,000
Athletic fields, site development and utilities	600,000
Rutgers, The State University:	2,860,000
Douglass-Cook library addition	2,860,000
Total	\$4,060,000

2. There is hereby appropriated to the Department of Higher Education from the Higher Education Buildings Construction Fund, established pursuant to the Higher Education Buildings Construction Bond Act of 1971, P. L. 1971, c. 164, the sum of \$18,000,000.00 or that portion thereof as may be required, as the State's 50% share for land acquisition and the planning, construction, rehabilitation and equipping of facilities, services, and buildings at the various county colleges for the period January 1, 1974 to December 31, 1974, as approved by the Board of Higher Education.

3. In order to provide flexibility in administering the appropriations made by this act, the Chancellor of Higher Education may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item in section 1 or 2 of this act to any other item in such sections, respectively, within their respective accounts in the Public Buildings Construction Fund. Upon the approval of such application by said director and by the Executive Director of the Office of Fiscal Affairs, in writing, said director shall make such transfer as provided by law.

4. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 340

AN ACT concerning group health insurance and amending N. J. S.
17B:27-50.

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

1. N. J. S. 17B:27-50 is amended to read as follows:

Reimbursement for service of physician or practicing psychologist.

17B:27-50. a. Notwithstanding any provision of a policy or contract of group health insurance, hereafter delivered or issued for delivery in this State, whenever such a policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed practicing psychologist, a person covered under such group health policy or contract shall be entitled to reimbursement for such service whether the said service is performed by a physician or duly licensed practicing psychologist.

b. The foregoing provision shall be liberally construed in favor of reimbursement and no claim for reimbursement shall be denied by reason of:

(1) The fact that physical delivery of a policy or contract of group health insurance or any package of insurance of which group health insurance is a part, or of a contract, certificate or other evidence of insurance coverage drawn thereunder, was made outside of this State, provided, the member of the group covered is, at the time of delivery or at any time thereafter to the time of reimbursement, either (a) a resident of this State, or (b) a nonresident employed in this State and the said policy or contract is related to or arose out of such employment; or

(2) The inclusion in such policy or contract of a description or designation of the person rendering the services for which reimbursement is sought as a "physician" or "psychiatrist," or other professional designation; or

(3) The fact that the psychiatric or psychological services rendered by a licensed psychologist for which reimbursement is sought are such as might also be lawfully rendered by a physician or psychiatrist as medical care, services or treatment under the laws of this State.

c. Any person insured under any policy or contract of group

health insurance or blanket insurance, whether written separately or as part of a package policy, which policy or contract is issued, delivered, amended, renewed, or ratified on or after 3 months from the effective date of this act, and, in any event, any person insured under any policy or contract of group health insurance or blanket insurance, written separately or as part of a package policy, which is in effect on or after July 1, 1974, shall be entitled to reimbursement for any service rendered by a practicing psychologist, provided, reimbursement is authorized in such policy or contract for services of the same or similar nature and scope, and further provided, the services for which reimbursement is claimed are within the lawful scope of practice of a practicing psychologist, whether the service is performed by a physician or a psychiatrist or duly licensed practicing psychologist at any time while the policy is in effect; and further provided (1) such person is a resident of this State, or, (2) the policy or contract is related to or arises out of employment and the member of the group seeking reimbursement is engaged in such employment in this State, or (3) the policy or contract, or certificate of insurance thereunder, or amendment, renewal, or notification thereof, is either issued or delivered in this State.

C. 17B:27-50.1 Partial invalidity.

2. If any section, subsection, paragraph, sentence, clause, phrase or word contained in this act shall be declared invalid for any reason whatsoever, such invalidity shall not effect the remaining portions of this act which shall remain in full force and effect, and, to this end, the provisions of this act are hereby declared to be severable.

3. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 341

AN ACT concerning medical service corporations and supplementing P. L. 1940, c. 74 (C. 17:48A-1 et seq.).

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

C. 17:48A-30 Services performed by licensed psychologist.

1. Notwithstanding any other provision of the act to which this act is a supplement, benefits shall not be denied to any eligible individual for eligible services when such services are performed or rendered such persons by a licensed psychologist within the scope of his practice. The practice of psychology shall be deemed to be within the provisions of the act to which this act is a supplement and duly licensed psychologists shall have such privileges and benefits in the scope of their practice under such act as are afforded thereunder to licensed physicians and surgeons in the scope of their practice.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 342

AN ACT concerning the "Life and Health Insurance Code," and amending N. J. S. 17B:26-2.

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

1. N. J. S. 17B:26-2 is amended to read as follows:

Form of policy; requirements.

a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) the entire money and other considerations therefor are expressed therein; and

(2) the time at which the insurance takes effect and terminates is expressed therein; and

(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) the style, arrangement and overall appearance of the policy

give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26-3 to 17B:26-31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) it contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such

dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another State, and if the official having responsibility for the administration of the insurance laws of such other State shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26-3 to 17B:26-31 inclusive.

e. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any psychological service which is within the lawful scope of practice of a duly licensed psychologist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed psychologist.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 343

AN ACT concerning the "Local Lands and Buildings Law," and amending N. J. S. 40A:12-21 (P. L. 1971, c. 199), approved June 9, 1971.

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

1. N. J. S. 40A:12-21 is amended to read as follows:

Private sales to certain organizations upon nominal consideration.

40A:12-21. Private sales to certain organizations upon nominal consideration. When the governing body of any county or municipality shall determine that all or any part of a tract of land, with or without improvements, owned by the county or municipality, is not then needed for county or municipal purposes, as the case may be, said governing body, by resolution or ordinance, may authorize a private sale and conveyance of the same, or any part thereof without compliance with any other law governing disposal of lands by counties and municipalities for a consideration, which may be nominal, and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality, to

(a) A duly incorporated volunteer fire company or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction thereon of a firehouse or fire school or a first aid and emergency or volunteer ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association, or

(b) Any nationally chartered organization or association of veterans of any war, in which the United States has or shall have been

engaged, by a conveyance for a consideration, a part of which may be an agreement by the organization or association to render service or provide facilities for the general public of the county or municipality, of a kind which the county or municipality may furnish to its citizens and to the general public, or

(c) Any duly incorporated nonprofit hospital association for the construction or maintenance thereon of a general hospital, or

(d) Any paraplegic veteran, that is to say, any officer, soldier, sailor, marine, nurse or other person, regularly enlisted or inducted, who was or shall have been in the active military or naval forces of the United States in any war in which the United States was engaged, and who, at the time he was commissioned, enlisted, inducted, appointed or mustered into such military or naval service, was a resident of and who continues to reside in this State, who is suffering from paraplegia and has permanent paralysis of both legs or the lower parts of the body resulting from injuries sustained through enemy action or accident while in such active military or naval service, for the construction of a home to domicile him, or to any organization or association of veterans, for the construction of a home or homes to domicile paraplegic veterans, with power to convey said lands and premises to the paraplegic veterans or veterans on whose behalf said organization or association shall acquire title to said land; or

(e) Any duly incorporated nonprofit association or any regional commission or authority composed of one or more municipalities or one or more counties for the construction or maintenance thereon of an animal shelter.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 344

AN ACT concerning investments by library trustees, and amending
P. L. 1942, c. 139.

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

1. Section 3 of P. L. 1942, c. 139 (C. 40:54-19.3) is amended to
read as follows:

C. 40:54-19.3 Investment of funds; registration of bonds.

3. The board of trustees of the free public library may invest
its funds in any interest-bearing obligations of the United States
of America, or in interest-bearing bonds of the State of New Jersey,
or any county or municipality of said state, or in any other securi-
ties authorized for investments by trustees under and in accordance
with the provisions of article 2 of chapter 15 of Title 3A of the
New Jersey Statutes, but the authorization to invest funds in any
such obligations or bonds or securities shall be by resolution
adopted by a majority vote of all the members of the board of
trustees at any regular or special meeting of the board.

All such obligations or bonds or securities shall be registered in
the official name of the board of trustees.

As used in this section invest means the buying and selling of
authorized obligations, bonds and securities.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 345

AN ACT concerning pension funds of employees of counties of the first class having a population of less than 800,000, amending sections 43:10-1, 43:10-2, 43:10-6, 43:10-7, 43:10-8, 43:10-9, 43:10-10 and 43:10-12 of the Revised Statutes, and repealing sections 43:10-3, 43:10-4 and 43:10-5 of the Revised Statutes.

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

R. S. 43:10-1 is amended to read as follows:

Definitions.

43:10-1. As used in this article:

“Be retired on half pay” means retired on a pension equal to one-half of the annual salary at the time of retirement.

“County employee” or “employee” means and includes all employees and officers in service in any county of the first class, and of any county board, body or commission maintained out of county funds in a county of the first class, including laborers recognized as permanent laborers, whether paid on an hourly, daily, monthly or annual basis (it being the intent to exclude transient labor from the operation of this article), but does not include any member of the police or fire department. The pension commission may determine whether or not the employment of an employee is permanent within the meaning of this article. Notwithstanding the provisions of section 43:1-1 of this Title, any person heretofore or hereafter accepting any employment in the county under the age of 45 years shall be eligible to join as a “county employee” or “employee” as herein above defined.

“Widow” means the woman to whom a member was married at least 5 years before the date of his death and to whom he continued to be married until the date of his death and who was receiving at least one-half of her support from the member in the 12-month period immediately preceding the member’s death or the accident which was the direct cause of the member’s death. The dependency of such a widow will be considered terminated by the marriage of the widow subsequent to the member’s death. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

“Widower” means the man to whom a member was married at least 5 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member’s death or the accident which was the direct cause of the member’s death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

2. R. S. 43:10-2 is amended to read as follows:

Retirement for service and age.

43:10-2. An employee of a county of the first class who shall have served in the county’s employ for a period of 20 years and reached 60 years of age, shall, upon his own application, be retired on half pay.

Should a member, after having completed 15 years of service for which credit has been established in the pension fund, be separated voluntarily or involuntarily from the service, before reaching age 60, and not by removal for cause or charges of misconduct or delinquency, he may elect to withdraw his contribution from the fund as provided in R. S. 43:10-8 or to receive a deferred pension beginning at age 60 in the amount based on his years of service credited in the fund bear to the total number of years of service that he could have achieved had he continued to age 60 and qualified for the pension of $\frac{1}{2}$ of the annual salary he was receiving at the time he elected the deferred pension.

Subject to the other provisions of this amendatory and supplementary act and of article 1 of chapter 10 of Title 43 of the Revised Statutes, upon and after the death of such pensioner, said pension, which the pensioner was receiving prior to his death, shall be paid to the surviving spouse, so long as he or she remains unmarried, or minor children up to 18 years of age as the case may be.

3. R. S. 43:10-6 is amended to read as follows:

Payment to dependent children.

43:10-6. If an employee or pensioner dies leaving dependent children under 18 years of age and he or she is, at death, a widower or widow, the benefits of this article which a widow or widower would otherwise be entitled to receive, shall be paid to the guardian of such children for their exclusive use and benefit. If one

child survives, such benefits shall cease when such child attains 18 years of age. If more than one such child survives, the benefits shall be divided proportionately among all of such children under the age of 18 years and the benefits shall continue in full until the youngest child attains 18 years of age.

4. R. S. 43:10-7 is amended to read as follows:

Pension fund.

43:10-7. A fund to pay pensions under this article shall be created as follows:

a. The county treasurer shall deduct from every payment of salary to any county employee who is benefited by this article and pay to the fund, 3% of the amount of the salary.

b. The board of chosen freeholders shall annually raise in the county budget and contribute annually to the fund an amount equal to 60% of such county employees' salaries. In the fiscal year next following the effective date of this amendatory and supplementary act, the county shall increase its contribution by 2% of such county employees' salaries and in each fiscal year thereafter the contribution of the county required by the provisions of this act shall be increased over the previous percentage by an additional 2% of all such county employees' salaries until the actuary of the fund certifies to the county that the county's contribution, together with the contributions of the members, is sufficient to meet the liabilities of the fund on a fully-funded reserve basis.

c. All moneys donated for the purpose of the fund and all rewards paid to any county employee while acting as county employee shall be paid over to the board of chosen freeholders of the county to be deposited in the fund.

If, at any time, there is not sufficient money in the pension fund to pay the pension, the board of chosen freeholders shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of the pension fund.

5. R. S. 43:10-8 is amended to read as follows:

Withdrawal from fund.

43:10-8. Any employee entering the fund may at any time thereafter withdraw therefrom and shall be entitled to a refund of the moneys theretofore deducted from his salary hereunder.

Where the employee leaves no widow, widower, or dependent children under 18 years of age, all moneys theretofore deducted from his salary for the retirement system established hereunder

shall be paid to the person designated by said employee as his or her beneficiary and if no such designation has been made or if the beneficiary has predeceased said employee, all moneys deducted from his or her salary for the retirement system shall be paid to the estate of the deceased employee.

6. R. S. 43:10-9 is amended to read as follows:

Employment by two counties.

43:10-9. This article shall affect and include county employees, as herein described, jointly employed by two or more counties, on intercounty bridges. Each such employee's contribution of 3% of his salary shall be made in full to the county employees' pension fund of the county from which he was appointed, and the board of chosen freeholders of that county shall contribute on the total of his salary to the fund as herein provided. The employee and his dependents as herein described shall receive the benefits of this article from the county pension fund in the same manner as if he were employed exclusively by the county.

7. R. S. 43:10-10 is amended to read as follows:

Pension commission.

43:10-10. There shall be in each county of the first class a pension commission of five members, consisting of the county supervisor (or the director of the board of freeholders if there be no office of county supervisor in the county), the chief financial officer of the county and two county employees, who are members of the pension fund, who have been nominated and elected at a meeting held by the county employees after 5 days' written notice of the time and place thereof has been given by the county supervisor to all member employees of the county. The member employees may cast written ballots by proxy. The two county member employees shall hold office until their successors are elected at a meeting of the employees held on the third Wednesday of the following December. Thereafter two county member employees shall be elected as members of the pension commission, in the same manner, on the third Wednesday of December every second year, for a term of 2 years commencing January 1 following their election. The fifth member of the commission shall be a citizen of the county who is not a public officeholder in the county or any municipality therein, and shall be selected by the other four members of the commission. He shall hold office for the term of 1 year. In case of vacancy for any cause, the commission may fill it until the next election.

The commission shall hold its annual meeting between January 1 and 15 in each year and elect its president, a secretary whose compensation the commission may fix and pay out of the fund, and such other officers as it deems advisable.

The pension commission shall be known as the "county employees pension commission of the county of"

8. R. S. 43:10-12 is amended to read as follows:

Deposit of funds; investments.

43:10-12. The pension commission shall deposit the funds in any of the banks or trust companies of the county. All moneys not needed for the immediate payment of the pensions shall be invested by the pension commission in (a) interest-bearing securities in which savings banks of this State are authorized to invest their funds, (b) bonds or other evidences of indebtedness issued by any company incorporated within and transacting business within the United States, which are not in default as to either principal or interest when acquired, (c) direct obligations of or unconditionally guaranteed as to principal and interest by the government of Canada, payable as to both principal and interest in United States dollars, or which are the direct obligations of or unconditionally guaranteed as to principal and interest by any of the provinces thereof, payable as to both principal and interest in United States dollars, (d) mortgage bonds or notes secured by property within this State and insured by the Federal Housing Administrator and (e) capital stock or other securities issued by any company incorporated within the United States, in which life insurance companies organized under the laws of this State may legally invest, provided that the book value of the total investment in common and preferred stock does not exceed 15% of the book value of the fund, except that not more than 10% of the book value of the fund shall be invested in common stock.

The pension commission shall recommend and the board of freeholders shall appoint independent investment counsel to service the investment needs of the fund.

C. 43:10-5.1 Retirement for disability not arising out of employment.

9. Subject to the other provisions of this amendatory and supplementary act and of article 1 of chapter 10 of Title 43 of the Revised Statutes, any county employee who shall have served or who shall hereafter have served in the employ of such county continuously or in the aggregate for a period of 10 years and shall become permanently and totally disabled as the result of injury

or illness not arising out of and in the course of his employment shall, upon his application, be retired on pension equal to $2\frac{1}{2}\%$ of his salary for each year of service, and for each additional year of service more than 10 years the amount of said pension shall be increased to the extent of $2\frac{1}{2}\%$ of said salary, not exceeding in any event 50% of said salary. Upon and after the death of such employee while on such pension the said pension shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to 18 years of age, as the case may be.

The pension commission shall determine as provided in section 10 of this amendatory and supplementary act whether or not such employee has become permanently and totally disabled.

C. 43:10-5.2 Retirement for disability arising out of employment.

10. Subject to the other provisions of this amendatory and supplementary act and article 1 of chapter 10 of Title 43 of the Revised Statutes, any county employee who shall become permanently and totally disabled as a result of injury, accident or sickness arising out of and in the course of his employment shall, upon his application and approval thereof by the pension commission be retired on half pay. Upon and after the death of such employee or upon and after the death of any employee who dies as a result of any disability injury or disease arising out of and in the course of his employment, a pension of $\frac{1}{2}$ the salary of such employee shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to 18 years of age, as the case may be.

The pension commission shall have power to determine whether or not any employee is permanently and totally disabled and whether or not a disability, or death of an employee is the result of an injury, accident or sickness arising out of and in the course of the employee's employment. Before approval of an application the physician or physicians designated by the commission shall make a medical examination of the member at his residence or at any other place mutually agreed upon and shall certify to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired. The claimant shall have the right to present physicians, witnesses or other testimony in his behalf before the commission. The president or any other member of the pension commission may administer oaths to any physicians or other persons called before the commission regarding the em-

ployee's disability or death. The commission shall decide, by resolution, whether the applicant is entitled to the benefits of this act and of article 1 of chapter 10 of Title 43 of the Revised Statutes.

C. 43:10-5.3 Death benefit.

11. If any member of the pension fund who shall have paid into the fund the full amount of his or her assessments or contributions and been in the county services for a period of at least 1 year, dies, $2\frac{1}{2}\%$ of the salary received by such person at such death shall be paid each year to the surviving spouse or minor children, as the case may be, and for each additional year of service more than 1 year, the amount of the pension shall be increased to the extent of $2\frac{1}{2}\%$ of the salary, but not to exceed in any event 50% thereof.

If any member of the pension fund shall have vested his pension under the provisions of R. S. 43:10-2, the amount of the pension payable to the surviving spouse or children, as the case may be, shall be based on the amount of salary earned and years of service which the member had at the time of vesting.

C. 43:10-5.4 Medical examination.

12. Once each year the pension commission may, and upon his application, shall, require any member retired for disability who is under the age of 60 years to undergo medical examination by a physician or physicians designated by the commission. The examination shall be made at the residence of the beneficiary or any other place mutually agreed upon. If the physician or physicians thereupon report and certify to the commission that the disability beneficiary is not permanently and totally incapacitated either physically or mentally for the performance of duty and if the commission concurs in the report, then the amount of his pension shall be reduced to an amount which, when added to the amount then being earned by him, shall not exceed the amount of the compensation now attributable to his former position. If subsequent medical examination of such a beneficiary shows that his earnings have changed since the date of his last examination, then the amount of his pension may be further altered but the new pension shall not exceed the amount of the pension originally granted nor shall the new pension when added to the amount then being earned by the beneficiary exceed the salary or compensation then attributable to his former position.

C. 43:10-1.5 First-class counties under 800,000; membership of employees in PERS.

13. Any person employed by a county of the first class having a population of less than 800,000 which heretofore adopted the provisions of article 1 of chapter 10 of Title 43 of the Revised Statutes (C. 43:10-1, et seq.), after the effective date of this amendatory and supplementary act, shall become a member of the Public Employees' Retirement System of New Jersey as a condition of employment and shall be entitled to all the rights and benefits and subject to all obligations of other members of said system, provided that the board of chosen freeholders of such county has adopted and submitted to the Public Employees' Retirement System a resolution providing for such membership and agreeing that said county shall be subject to the same liabilities with respect to such members as all other counties participating in the Public Employees' Retirement System. Such employees shall not be eligible to be members of any pension fund maintained by said county for persons employed by the county prior to the effective date of the resolution adopted by said county.

Repealer.

14. R. S. 43:10-3, 43:10-4 and 43:10-5 are repealed.

15. This act shall take effect immediately but shall not be operative in any county unless and until the board of chosen freeholders shall adopt a resolution pursuant to section 13 of this act which resolution shall incorporate the requirements of said section.

Approved December 27, 1973.

CHAPTER 346

AN ACT concerning motor vehicle liability insurance and amending the "Retail Installment Sales Act of 1960," approved June 9, 1960 (P. L. 1960, c. 40).

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

1. Section 32 of P. L. 1960, c. 40 (C. 17:16C-32) is amended to read as follows:

C. 17:16C-32 Notice that policy required in sale of motor vehicle includes no liability or property damage coverage.

32. Whenever, in the sale of a motor vehicle, the retail buyer is required, under the provisions of this act, to provide a policy of insurance and such policy of insurance does not contain the liability insurance required by section 1 of P. L. 1972, c. 197 (C. 39:6B-1), the retail installment contract shall contain, immediately following the statement therein concerning insurance, the following notice printed prominently, in the form herein indicated or in such other form as may be approved by the commissioner, in 10-point type or larger:

“THIS DOES NOT INCLUDE INSURANCE ON YOUR LIABILITY FOR BODILY INJURY OR PROPERTY DAMAGE. WITHOUT SUCH INSURANCE, YOU MAY NOT OPERATE THIS VEHICLE ON PUBLIC HIGHWAYS.”

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 347

AN ACT concerning county appropriations in aid of volunteer fire companies and amending P. L. 1949, c. 79.

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

1. Section 1 of P. L. 1949, c. 79 (C. 40:23-8.9) is amended to read as follows:

C. 40:23-8.9 Volunteer fire companies; appropriation to aid; uniforms.

1. The board of chosen freeholders of any county may raise appropriate and expend such sums of money not exceeding \$10,000.00 in any 1 year, as it may deem expedient to aid volunteer fire companies located in any municipality or fire district in such county to keep abreast of the latest methods, procedures and techniques of fire fighting by enabling members of said companies to attend courses of instruction or otherwise acquire familiarity with said methods, procedures and techniques. Any such appropriation and expenditure may include a provision for the purchasing of uniforms for the members of said volunteer fire companies.

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 348

AN ACT concerning retirement systems for employees of cities of the first class having a population of less than 400,000 inhabitants, amending P. L. 1964, c. 275 and P. L. 1967, c. 221.

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

1. Section 7 of P. L. 1964, c. 275 (C. 43:13-22.56) is amended to read as follows:

C. 43:13-22.56 Death benefits.

7. Death benefits.

(a) Upon the death of a member in service who shall have paid into the fund the full amount of his contributions and who shall die as a result of injuries or illness received or incurred in the performance of his duties or who shall have served in the employ of the city for 20 or more years; or upon the death of a member who shall have been retired and pensioned under this act.

A pension of \$2,100.00 per annum shall be paid to the surviving widow, so long as she remains unmarried, surviving dependent widower, so long as he remains unmarried, minor children or dependent parents, as the case may be. If the pension is payable to minor children, no one of such children shall receive more than \$600.00 per annum, nor shall a pension be paid to any such child after he marries or reaches the age of 18 years.

(b) Upon the death of a member in service who shall have paid into the fund the full amount of his contributions and who shall die for causes other than injuries or illness received or incurred in the performance of his duties and who shall have served in the employ of the city for 5 or more years but less than 20 years.

A pension in an amount equal to 2½% of the member's final salary for each year of his service shall be paid to the surviving widow, so long as she remains unmarried, surviving dependent widower, so long as he remains unmarried, minor children or dependent parents, as the case may be; provided, however, that in no instance shall such pension exceed, in the aggregate, an amount equal to \$100.00 per annum for each year of the member's service. If the pension is payable to minor children, no one of such children shall receive more than \$600.00 per annum, nor shall

a pension be paid to any such child after he marries or reaches the age of 18 years.

In the event a pension shall be payable as a result of the death of a member in service and there are no eligible surviving dependents at the time of such member's death, an amount equal to such member's contributions to the fund, without interest, shall be paid to his estate.

If at the time of the death of a member in service the sole surviving dependents of such member are minor children and the total of the aggregate payments on account of such children shall be an amount which is less than such member's contributions to the fund, without interest, the balance of such amount shall be payable to the guardian of such minor children.

2. Section 1 of P. L. 1967, c. 221 (C. 43:13-22.56a) is amended to read as follows:

C. 43:13-22.56a Widow's pension.

1. Any widow pensioner, whose husband died prior to January 12, 1965, and who is still qualified to receive a widow's pension, shall receive, in lieu of their present pension award the sum of \$2,100.00.

This act shall in no way affect the provisions of section 7 (A) and (B) of the act to which this act is a supplement.

3. This act shall take effect on January 1, 1974.

Approved December 27, 1973.

CHAPTER 349

AN ACT concerning the installation of gas pipes and electric cables, and amending R. S. 48:7-2 and R. S. 48:9-21.

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

1. R. S. 48:7-2 is amended to read as follows:

Pipes and conduits; restrictions on laying; municipal consent.

48:7-2. Any such company may lay pipes or conduits and wires therein beneath such public highways, streets and alleys as it may deem necessary. Such pipes or conduits shall be laid at least 2 feet

below the surface and shall not unnecessarily interfere with public travel, or damage public or private property. They shall be laid at the greatest practicable distance from the outside of any water or gas pipe, but in no event less than 1 foot therefrom, except where it shall be necessary to cross or intersect any such gas or water pipe.

No public streets shall be opened in any municipality for the purpose of laying any such pipes, conduits or wires without the permission of the municipality.

2. R. S. 48:9-21 is amended to read as follows :

Manner of laying pipes.

48:9-21. Every gas company organized under the laws of this State shall lay its main or distributing gas pipes at the greatest practicable distance from any pipe of any other company and at a horizontal distance of 1 foot at least from the nearest part of any such pipe, unless it shall be unavoidably necessary to lay the gas pipe across or nearer to any other pipe, in which case the gas pipe shall be laid at the greatest practicable distance therefrom, and shall form therewith a right angle, or as near thereto as the situation will admit.

In no case shall any pipe be laid or apparatus used that will interfere in any way either with the present or future supply pipes of any company, or that may interfere with or increase the expense of replacing, removing or repairing the supply pipes or apparatus of any company.

All gas companies which were in operation on April 21, 1876, shall have the same rights and privileges of laying their mains and pipes, and making and supplying gas, that their respective charters and contracts then gave them.

3. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 350

AN ACT to authorize the county of Ocean to make permanent the appointment of Clarence King Carter as a sheriff's officer in the county of Ocean.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the county of Ocean is authorized to make permanent the appointment of Clarence King Carter as a sheriff's officer in the county of Ocean notwithstanding his age will be greater at the time of employment than the maximum age limit pursuant to the rules and regulations of the Civil Service Commission.

2. This act shall take effect upon due adoption of a resolution of the county of Ocean for the purposes of adopting same.

Approved December 27, 1973.

CHAPTER 351

AN ACT concerning diseases of animals, supplementing chapter 5 of Title 4 of the Revised Statutes and making an appropriation therefor.

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

1. The provisions of any other law to the contrary notwithstanding, the value of hogs slaughtered or otherwise disposed of as directed in R. S. 4:5-9 after November 9, 1972 and before March 2, 1973, shall be ascertained and appraised for the purpose of indemnification on the same basis and pursuant to the same rules and regulations as the value of hogs so slaughtered or otherwise disposed of after March 1, 1973, pursuant to the provisions of P. L. 1973, c. 47, and the indemnification received by owners of hogs so slaughtered or disposed of after November 9, 1972 and before

March 2, 1973, shall be increased to the level of indemnification received by such owners of hogs so slaughtered or otherwise disposed of subsequent to March 1, 1973.

2. There is hereby appropriated to the Department of Agriculture the sum of \$50,000.00 for the purposes of this act.

3. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 352

AN ACT concerning the taking of sea clams and amending
R. S. 50:2-11.

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

1. R. S. 50:2-11 is amended to read as follows:

Taking shellfish after sunset, before sunrise or on Sunday.

50:2-11. No person shall dredge upon, or throw, cast or drag an oyster dredge or any other instrument or appliance used for catching clams or oysters, or assist in so doing, or tread for clams, upon any of the lands lying under the tidal waters of this State before sunrise or after sunset, or at any time on Sunday, but nothing herein shall restrict or apply to the dredging for sea clams (*macra solidissima*) authorized pursuant to P. L. 1950, c. 310 (C. 50:2-6.1 et seq.).

2. This act shall take effect immediately.

Approved December 27, 1973.

CHAPTER 353

AN ACT concerning county park police and supplementing chapter 37 of Title 40 of the Revised Statutes.

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

C. 40:37-11.5 Defense in action or proceeding.

1. Whenever a member or officer of a county park police system is a defendant in any action or legal proceeding arising out of or incidental to the performance of his duties, the county park commission shall provide said member or officer with necessary and reasonable means for the defense of such action or proceeding, other than for his defense in a disciplinary proceeding instituted against him by the county park commission or in a criminal proceeding instituted as a result of a complaint on behalf of the park commission. If any such disciplinary or criminal proceeding instituted by or on complaint of the park commission shall be dismissed or finally determined in favor of the member or officer, he shall be reimbursed for the reasonable expense of his defense.

2. This act shall take effect immediately.

Approved December 28, 1973.

CHAPTER 354

AN ACT to amend and supplement "An act prohibiting purchases and assignments of salary, wages, commissions, pay and other compensation for services and providing punishment for violations," approved January 20, 1972 (P. L. 1971, c. 412).

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

1. Section 1 of P. L. 1971, c. 412 (C. 2A:150A-1) is amended to read as follows:

C. 2A:150A-1 Purchases and assignments of salary, wages, etc. prohibited.

1. It shall be unlawful for any person to purchase or have assigned to him, other than by order of court, any salary, wages,

commissions, pay or other compensation for services, or any part thereof, due or to become due to any employee and any such purchase or assignment, whenever executed, shall be void and unenforceable. It shall also be unlawful for any person to withhold or to pay to any other person on the basis of any assignment or purchase prohibited by this act any salary, wages, commissions, pay or other compensation due to any employee.

2. Section 2 of P. L. 1971, c. 412 (C. 2A:150A-2) is amended to read as follows:

C. 2A:150A-2 Penalty.

2. Any person violating this act, or attempting to do so, shall be a disorderly person.

C. 2A:150A-6 Construction of act.

3. Nothing contained in this act or the act hereby amended and supplemented shall be construed to prevent or make unlawful the withholding or diverting of wages by any employer in accordance with section 4 of P. L. 1965, c. 173 (C. 34:11-4.4).

4. This act shall take effect immediately.

Approved December 28, 1973.

CHAPTER 355

AN ACT concerning sales of certain real and personal property by municipalities and validating certain such sales heretofore made.

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

C. 40A:12-13.1 Resolution authorizing sale of property.

1. The sale by any municipality of any real property, capital improvements or personal property, or interests therein, not needed for public use by public sale to the highest bidder pursuant to the provisions of subsection (a) of section 13 of P. L. 1971, c. 199 (C. 40A:12-13) may be authorized by resolution of the municipality.

Validation.

2. No sale of any real property, capital improvements or personal property, or any right or interest therein, not needed for public use, made on or after July 1, 1971 and prior to the effective

date of this act by public sale to the highest bidder pursuant to the provisions of subsection (a) of section 13 of P. L. 1971, c. 199 (C. 40A:12-13) shall be invalid solely on the basis that the public sale thereof was authorized by a resolution rather than an ordinance of the governing body of the municipality, and any such sale so authorized by resolution of the governing body, if otherwise valid, is hereby ratified, validated and confirmed.

3. This act shall take effect immediately.

Approved December 28, 1973.

CHAPTER 356

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-17, or notwithstanding that notices with respect to such election were not published in accordance with the provisions of N. J. S. 18A:14-19; provided however that such supplemental debt statement has heretofore been made, sworn to, and filed in the places required by N. J. S. 18A:24-17; and provided further that notice of said election was published in a newspaper published in the county and circulating in such school district; and provided further that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such

time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved December 28, 1973.

CHAPTER 357

AN ACT concerning the annual salary of the Governor, supplementing P. L. 1969, c. 194, and providing an appropriation therefor.

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

C. 52:14-15.104c Annual salary of Governor.

1. Notwithstanding the provisions of P. L. 1969, c. 194 (C. 52:14-15.104) the annual salary of the Governor shall be fixed and established at \$65,000.00.

2. The salary increase provided for in section 1 hereof shall remain inoperative until the commencement of the term of office of the Governor to be inaugurated in January of 1974.

3. There is hereby appropriated from the General Treasury the sum of \$7,500.00 to carry out the purposes of this act.

4. This act shall take effect immediately.

Approved December 28, 1973.

CHAPTER 358

AN ACT respecting the issuance of nonresident hunting and trapping licenses and amending R. S. 23:3-4.

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

1. R. S. 23:3-4 is amended to read as follows:

Licenses; residents', nonresidents' and aliens'; fees; term of licenses.

23:3-4. The licenses issued under this article shall be as follows:

a. A license issued to citizens of the United States above 14 years of age, who have an actual and bona fide domicile in this State at the time of the application for the license and who have had an actual and bona fide domicile in this State for at least 6 months immediately prior thereto, provided that for residents' trapping licenses such person may be above 12 years of age. These licenses shall be of five kinds and designated as the residents' firearm hunting license, the residents' bow and arrow license, the residents' trapping license, the residents' fishing license and the residents' family fishing license. The Fish and Game Council in the Division of Fish, Game and Shell Fisheries of the Department of Environmental Protection shall have the authority to adopt and promulgate regulations for said family fishing licenses.

The residents' firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of \$7.00 and an issuance fee of \$0.25 shall be charged therefor. The residents' bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of \$7.00 and an issuance fee of \$0.25 shall be charged therefor. The residents' trapping license shall authorize its holder to trap only, and a fee of \$7.00 and an issuance fee of \$0.25 shall be charged therefor. The residents' fishing license shall authorize its holder to fish only, and a fee of \$6.00 and an issuance fee of \$0.25 shall be charged therefor except that in any case where the applicant is 70 or more years of age and is otherwise qualified no fee shall be charged. The residents' family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the parent license permitting fishing only by the father or mother, or both, or the guardian shall be \$12.00 with an issuance fee of \$0.25; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family at a fee of \$1.00 and an issuance fee of \$0.25. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto hereunder. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish, Game and Shell Fisheries shall be entitled to a residents' fishing license without fee or charge.

b. A license issued to a person above 14 years of age not entitled to a residents' license, authorizing him to trap or to hunt. These licenses shall be designated as the nonresidents' and aliens' fire-

arm hunting license, the nonresidents' and aliens' bow and arrow license, and the nonresidents' and aliens' trapping license. The fee for each of these licenses shall be \$40.00, and an issuance fee of \$0.25.

c. A license issued to a person above 14 years of age not entitled to a residents' license, authorizing him to fish only. These licenses shall be designated as the nonresidents' and aliens' fishing license and the nonresidents' and aliens' 3-day vacation fishing license valid for a period of 3 consecutive days and only obtainable after June 1 of each year. The fee for these licenses shall be \$10.00 for the annual fishing license, together with an issuance fee of \$0.25, and \$3.50 and an issuance fee of \$0.25 for the 3-day vacation fishing license.

Every license issued hereunder shall be void after December 31, next succeeding its issuance excepting the nonresidents' 1-day hunting license which shall expire on the date of issuance, and the nonresidents' and aliens' 3-day fishing license which is valid only for 3 consecutive days after date of issuance.

2. This act shall take effect January 1, 1973.

Approved January 2, 1974.

CHAPTER 359

AN ACT concerning fiduciaries, providing for the deposit in clearing corporations of securities held in fiduciary capacities and supplementing Title 3A of the New Jersey Statutes.

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

C. 3A:15-30 Definitions.

1. As used in this act,

a. "Fiduciary" includes an individual or corporation authorized to act as trustee, executor, administrator with the will annexed, custodian under the New Jersey Uniform Gifts to Minors Act, P. L. 1963, c. 177 (C. 46:38-13 et seq.), guardian, and every other person or corporation charged with the duty of administering a trust estate;

b. "Trust estate" means money or other property entrusted to a fiduciary pursuant to a trust instrument or otherwise;

c. "Securities" means instruments which are commonly dealt with on securities exchanges or markets or commonly recognized in any area in which they are issued or dealt with as a medium for investment, and which are subject to the provisions of chapter 8, Uniform Commercial Code-Investment Securities (chapter 8, Title 12A of the New Jersey Statutes);

d. "Clearing corporation" means a corporation as defined in N. J. S. 12A:8-102.

C. 3A:15-31 Deposit of securities in clearing corporation.

2. Notwithstanding any other provision of law, any fiduciary holding securities in a trust estate, or any banking institution holding securities as a custodian or managing agent, or as custodian for a fiduciary, is authorized to deposit or arrange for the deposit of such securities in a clearing corporation. When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. The records of such fiduciary and the records of a banking institution acting as custodian, as managing agent or as custodian for a fiduciary, shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation without physical delivery of certificates representing such securities. A banking institution so depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of State chartered institutions the Commissioner of Banking and, in the case of national banks, the Comptroller of the Currency may from time to time issue. A banking institution acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such banking institution in such clearing corporation for the account of such fiduciary. A fiduciary shall, on demand by any party to a judicial proceeding for the settlement of such fiduciary's account or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary in such clearing corporation for its account as such fiduciary.

C. 3A:15-32 Application of section.

3. This section shall apply to any fiduciary holding securities in its fiduciary capacity, and to any banking institution holding securities as a custodian, managing agent or custodian for a fiduciary, acting on the effective date of this act or who thereafter may act regardless of the date of the agreement, instrument or court order by which the fiduciary is appointed and regardless of whether or not such fiduciary, custodian, managing agent or custodian for a fiduciary owns capital stock of such clearing corporation.

C. 3A:15-33 Construction of act.

4. Nothing contained in this act shall be construed as relieving a fiduciary depositing securities as authorized herein from the duty to account for all securities so deposited.

C. 3A:15-34 Short title.

5. This act may be cited as the "Clearing Corporation Deposit Law of 1973."

6. This act shall take effect immediately.

Approved January 2, 1974.

CHAPTER 360

AN ACT concerning qualified banks and supplementing "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-24.7 Authority to purchase and hold stock of clearing corporations.

1. A qualified bank, as defined in section 1 of the act to which this act is a supplement (C. 17:9A-1), shall have power to subscribe for, purchase, and hold stock of one or more clearing corporations as defined in N. J. S. 12A:8-102 provided that

a. in the case of a qualified bank which is a savings bank, the amount invested in such stock shall not exceed 5% of its surplus;

b. in the case of a qualified bank which is not a savings bank, the amount invested in such stock shall not exceed 10% of its capital stock and surplus;

c. each investment in such stock shall first have been authorized by a resolution stating the number of shares to be acquired and the amount to be paid therefor, adopted by its board of directors or board of managers in the case of a qualified bank which is a savings bank, and, in the case of a qualified bank which is not a savings bank, approved by a majority in interest of its stockholders at an annual or special meeting; and

d. each investment in such stock shall have been approved in writing by the Commissioner of Banking.

C. 17:9A-24.8 Addition to other powers.

2. The power conferred by this act shall be in addition to and not in substitution for any powers otherwise conferred by law upon qualified banks.

3. This act shall take effect immediately.

Approved January 2, 1974.

CHAPTER 361

AN ACT concerning the Uniform Commercial Code, and amending
N. J. S. 12A:8-102.

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

1. N. J. S. 12A:8-102 is amended to read as follows:

Definitions and index of definitions.

12A:8-102. Definitions and index of definitions.

(1) In this chapter unless the context otherwise requires

(a) A "security" is an instrument which

(i) is issued in bearer or registered form; and

(ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this chapter and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that chapter. This chapter does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A subsequent purchaser is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation

(a) at least 90% of the capital stock of which is held by or for one or more persons (other than individuals), each of whom

(i) is subject to supervision or regulation pursuant to the provisions of Federal or State banking laws or State insurance laws, or

(ii) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934,
and none of whom, other than a national securities exchange or association, holds in excess of 20% of the capital stock of such corporation; and

(b) any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by State or Federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this chapter or to specified subchapters thereof and the sections in which they appear are:

"Adverse claim"	12A:8-301
"Bona fide purchaser"	12A:8-302
"Broker"	12A:8-303
"Guarantee of the signature"	12A:8-402
"Intermediary bank"	12A:8-105
"Issuer"	12A:8-201
"Overissue"	12A:8-104

(6) In addition chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

2. This act shall take effect immediately.

Approved January 2, 1974.

CHAPTER 362

AN ACT concerning unemployment compensation and amending
R. S. 43:21-9.

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

1. R. S. 43:21-9 is amended to read as follows:

Unemployment compensation fund.

43:21-9. (a) Establishment and control. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the division exclusively for the purpose of this chapter (R. S. 43:21-1 et seq.). This fund shall consist of (1) all contributions and payments in lieu of contributions collected under this chapter (R. S. 43:21-1 et seq.); (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; (4) all earnings on such property or securities; (5) all moneys credited to this State's account in the unemployment trust fund pursuant to section 903 of the Social Security Act (42 U. S. C. 1103), as amended; and (6) all moneys received for the fund from any other source. All moneys in this fund shall be mingled and undivided.

(b) Accounts and deposits. The Treasurer of the State of New Jersey shall be ex officio the treasurer and custodian of the fund

and shall administer such fund in accordance with the directions of the division and shall issue his warrants upon it in accordance with such regulations as the division shall prescribe. He shall maintain within the fund three separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the division, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to subsection (f) of section 43:21-14 of this Title may be paid from the clearing account upon warrants issued by the treasurer under the direction of the division. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act (42 U. S. C. 1104), as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the division in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the division and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund.

(c) Withdrawals from the unemployment trust fund.

(1) Benefit payments. Moneys requisitioned from this State's account in the unemployment trust fund shall be used solely for the payment of benefits and in accordance with regulations prescribed by the division, except that money credited to this State's account pursuant to section 903 of the Social Security Act (42 U. S. C. 1103), as amended, may be used for the payment of expenses for the administration of this chapter (R. S. 43:21-1 et seq.) as provided in paragraph (2) of this subsection. The division shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as it deems necessary for the payment of benefits for a reasonable future

period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account, and the payment of benefits shall be made solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants for the payment of benefits shall be issued by and bear only the signature of the director or his duly authorized agent for that purpose. All warrants for the payment of refunds shall be issued by the treasurer and bear the signature of the treasurer and the countersignature of the director or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the division, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the unemployment trust fund, as provided in subsection (b) of this section.

(2) Administrative use. Moneys credited to the account of this State by the Secretary of the Treasury of the United States in the unemployment trust fund pursuant to section 903 of the Social Security Act (42 U. S. C. 1103), as amended, may be requisitioned and used for the payment of expenses for the administration of the Unemployment Compensation Law (R. S. 43:21-1 et seq.) pursuant to a specific appropriation by the Legislature, provided that the expenses are incurred and the moneys are requisitioned after the enactment of an appropriation law which

(A) specifies the purposes for which such moneys are appropriated and the amounts appropriated therefor;

(B) limits the period within which such moneys may be obligated to a period ending not more than 2 years after the date of the enactment of the appropriation law; and

(C) limits the moneys which may be obligated during a 12-month period beginning on July 1 and ending on the next June 30 to a sum which does not exceed the amount by which the aggregate of the moneys credited to the account of this State pursuant to section 903 of the Social Security Act (42 U. S. C. 1103), as amended, during the same 12-month period and the 24 preceding 12-month periods, exceeds the aggregate of

moneys obligated for the payment of expenses incurred for the administration of this chapter (R. S. 43:21-1 et seq.) and the moneys paid out for benefits which is charged against the moneys credited to the account of this State during such 25 12-month periods.

Moneys credited to this State's account in the unemployment trust fund under section 903 of the Social Security Act (42 U. S. C. 1103), as amended, which are obligated for the payment of expenses for the administration of this chapter (R. S. 43:21-1 et seq.) or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no moneys obligated for the payment of expenses for the administration of this chapter (R. S. 43:21-1 et seq.) during a 12-month period specified herein may be charged against any amount credited during such a 12-month period earlier than the twenty-fourth preceding such period.

Money appropriated as provided herein for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and upon requisition shall be deposited in the unemployment compensation administration fund from which such payments shall be made. Money so deposited shall, until expended, remain a part of the unemployment compensation fund. If such money will not be expended it shall be returned promptly to the Secretary of the Treasury of the United States for credit to this State's account in the unemployment trust fund. The division shall maintain a separate record of the credits, appropriation, obligation and expenditure of the money credited to the account of this State in the unemployment trust fund pursuant to section 903 of the Social Security Act (42 U. S. C. 1103), as amended.

(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b) and (c) to the extent that they relate to the unemployment trust fund shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of such unemployment trust fund, from which no other State is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein,

belonging to the unemployment compensation fund of this State shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit and release such moneys, properties or securities in a manner approved by the division, in accordance with the provisions of this chapter; provided, that such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest-bearing obligations of the United States of America and of the State of New Jersey; and provided, further, that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the division.

2. This act shall take effect immediately.

Approved January 2, 1974.

CHAPTER 363

AN ACT to prohibit any person from bringing into this State any solid and liquid waste which originated or was collected outside the State and supplementing the "Waste Control Act," approved February 21, 1973 (P. L. 1973, c. 39).

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

C. 13:11-9 Legislature's findings.

1. The Legislature finds and determines that since the enactment of P. L. 1973, c. 39 (C. 13:11-1 et seq.) the volume of solid and liquid waste continues to rapidly increase, that the treatment and disposal of these wastes continues to pose an even greater threat to the quality of the environment of New Jersey, that the available and appropriate land fill sites within the State are being diminished, that the environment continues to be threatened by the treatment and disposal of waste which originated or was collected outside the State, and that the public, health, safety and welfare require that the treatment and disposal within this State of all wastes generated outside of the State be prohibited.

C. 13:11-10 Bringing solid or liquid waste into State; restrictions.

2. No person shall bring into this State any solid or liquid waste which originated or was collected outside the territorial limits of the State, except garbage to be fed to swine in the State of New Jersey, until the commissioner shall determine that such action can be permitted without endangering the public health, safety and welfare and has promulgated regulations permitting and regulating the treatment and disposal of such waste in this State. Any person violating this provision shall be subject to the penalty and enforcement provisions of the "Waste Control Act," P. L. 1973, c. 39.

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

Approved January 2, 1974.

CHAPTER 364

AN ACT concerning education and supplementing chapter 29 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:29-4.3 Salary schedules for supervisory and administrative personnel; filing.

1. The board of education of every school district employing one or more teaching staff members having full-time supervisory or administrative responsibilities shall adopt salary schedules for each school year that begins after the effective date of this act for all such members, except that for a superintendent of schools the board may adopt a salary schedule. Such salary schedules shall be subject to the provisions of N. J. S. 18A:29-4.1. Nothing contained in this section of the act shall authorize a board to pay an amount of salary less than the amount such member would be entitled to under any other law. The schedules adopted pursuant to this section shall be filed with the Commissioner of Education within 30 days after the adoption of each such schedule and the adoption of each subsequent revision of each schedule.

2. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 365

AN ACT concerning education relating to county vocational school districts and supplementing article 3 of chapter 54 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:54-11.4 Sending pupils from certain districts to schools of county vocational school district.

1. The board of education of each school district or regional school district in any county of the second class having a population of not less than 460,000 nor more than 500,000 according to the 1970 Federal Census in which there is a county vocational school district referred to in section 18A:54-11.1 shall send to any of the schools of such county vocational school district all pupils residing in such school district or regional school district who have applied for admission to and have been accepted by any of the schools of such county vocational school district and each such board of education shall pay tuition for said pupils to such county vocational school districts pursuant to N. J. S. 18A:54-23. The provisions of this section shall not apply to any board of education of a school district or regional school district maintaining a vocational school or schools pursuant to article 2 of chapter 54 of Title 18A of the New Jersey Statutes.

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

Approved January 7, 1974.

CHAPTER 366

AN ACT to amend and supplement the "New Jersey Business Corporation Act," enacted as Title 14A of the New Jersey Statutes by P. L. 1968, c. 350.

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

1. N. J. S. 14A:1-6 is amended to read as follows:

14A:1-6 Execution, filing and recording of documents.

(1) If a document relating to a domestic or foreign corporation is required or permitted to be filed in the office of the Secretary of State under this act:

(a) The document shall be in the English language, except that the corporate name need not be in the English language if written in English letters or Arabic or Roman numerals, and except that this requirement shall not apply to a certificate of good standing under paragraph 14A:2-4(2) (b), section 14A:2-5, or subsection 14A:13-4(2).

(b) The filing shall be accomplished by delivering the document to the office of the Secretary of State, together with the fees and any accompanying documents required by law. Thereupon, the Secretary of State shall endorse upon it the word "Filed" with his official title and the date of filing thereof, and shall file it in his office. If so requested at the time of the delivery of the document to his office, the Secretary of State shall include the time of filing in his endorsement thereon.

(c) The transaction in connection with which the document has been filed shall be effective at the time of filing, unless a subsequent effective time is set forth in such document pursuant to any other provision of this act, in which case such transaction shall be effective at the time so specified, which shall in no event be later than 30 days after the date of filing.

(2) If a document relating to a domestic corporation or a foreign corporation is required or permitted to be filed under this act and is also required by this act to be executed on behalf of such corporation, the document shall be signed by the chairman of the board, or the president or a vice-president. The name of any person so signing such a document, and the capacity in which he signs, shall be stated beneath or opposite his signature. The document may, but need not, contain

(a) the corporate seal; or

(b) an attestation by the secretary or an assistant secretary of the corporation; or

(c) an acknowledgment or proof.

If the corporation is in the hands of a receiver, trustee, or other court appointed officer, the document shall be signed by such fiduciary or the majority of them, if there are more than one.

(3) If a document relating to a domestic or foreign corporation was required or permitted to be filed in the office of the Secretary of State under the law in force prior to the effective date of this act and was or is duly executed before or after the effective date of this act, in accordance with such law, to reflect any vote, consent,

certification, or action by directors, officers, or shareholders of a corporation or by any such persons on behalf of the corporation, duly taken, given or made before the effective date of this act, such document and any annual report by a corporation, so executed, may be filed in the office of the Secretary of State on the effective date of this act, and within 6 months thereafter.

(4) The Secretary of State shall record all documents, excepting annual reports, which relate to or in any way affect corporations, and which are required or permitted by law to be filed in his office. The recording may be effected by typewritten copy, or by photographic, microphotographic or microfilming process, or in such other manner as may be provided by law. Such records shall be kept in a place separate and away from the place where the originals are filed.

(5) If any instrument filed with the Secretary of State under any provision of this act is an inaccurate record of the corporate action therein referred to, or was defectively or erroneously executed, such instrument may be corrected by filing with the Secretary of State a certificate of correction executed on behalf of the corporation. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth the correction. The instrument so corrected shall be deemed to have been effective in its corrected form as of its original filing date except as to persons who relied upon the inaccurate portion of the certificate and who are adversely affected by the correction; the correction shall be effective as to such persons as of the effective date of filing of the certificate of correction.

2. N. J. S. 14A:2-2 is amended to read as follows:

14A:2-2 Corporate name of domestic or foreign corporations.

(1) The corporate name of a domestic corporation or of a foreign corporation authorized to transact business in this State

(a) shall not contain any word or phrase, or abbreviation or derivative thereof, which indicates or implies that it is organized for any purpose other than one or more of the purposes permitted by its certificate of incorporation;

(b) shall not be the same as, or confusingly similar to, the corporate name of any domestic corporation, including a corporate name set forth in a certificate of incorporation filed in the office of the Secretary of State whose effective date is subsequent to the date of filing, as authorized by subsection 14A:2-7

(2), or of any foreign corporation authorized to transact business in this State or any corporate name reserved or registered under this act, unless the written consent of such other domestic or foreign corporation or holder of a reserved or registered name to the adoption of its name, or a confusingly similar name is filed in the office of the Secretary of State with the certificate of incorporation or with the application for an original or amended certificate of authority to transact business in this State or, in lieu of such consent, there is filed a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the corporation to the use of such name in this State, and

(c) shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this State, unless any such restrictions have been complied with.

(2) This section

(a) shall not require any domestic corporation organized prior to the effective date of this act or any foreign corporation authorized to transact business in this State prior to the effective date of this act to change its corporate name in order to comply with this section, if such name is otherwise lawful on the effective date of this act. No such corporation shall change its corporate name on or after the effective date of this act to a name which is not available for corporate use under this section; and

(b) shall not prevent a domestic corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more other domestic or foreign corporations or upon a sale, lease or other disposition to, or exchange with, a domestic corporation of all or substantially all the assets of another corporation, domestic or foreign, including its name, from having the same corporate name as any of such corporations if at the time such other corporation was organized under the laws of, or is authorized to transact business in, this State.

(3) If the name of a foreign corporation is not available for use in this State because of the prohibitions of subsection 14A:2-2(1), such corporation may be authorized to transact business in this State under a fictitious name which is available for corporate use under this section. Such corporation shall file in the office of the

Secretary of State with its application for an original or amended certificate of authority a resolution of its board adopting such fictitious name for use in transacting business in this State.

(4) The corporate name of a domestic corporation which has been dissolved and any name confusingly similar to the name of a domestic corporation which has been dissolved shall not be available for corporate use for 2 years after the effective time of dissolution, unless, within such 2 year period, the written consent of such dissolved corporation to the adoption of its name, or a confusingly similar name, is filed in the office of the Secretary of State with the certificate of incorporation of another domestic corporation or with the application of a foreign corporation for an original or amended certificate of authority to transact business in this State.

(5) The filing in the office of the Secretary of State of the certificate of incorporation of a domestic corporation or the issuance by the Secretary of State of a certificate to a foreign corporation authorizing it to transact business in this State shall not preclude an action by this State to enjoin a violation of this section or an action by any person adversely affected to enjoin such violation or the use of a corporate name in violation of the rights of such person, whether on principles of unfair competition or otherwise. The court in any such action may grant any other appropriate relief.

3. N. J. S. 14A:2-2.1 is added as follows:

14A:2-2.1 Fictitious corporate names.

(1) No domestic corporation, or foreign corporation which transacts business in this State within the meaning of section 14A:13-3, shall transact any business in this State using a fictitious name unless

(a) it also uses its actual name in the transaction of any such business in such a manner as not to be deceptive as to its actual identity; or

(b) it has been authorized to transact business in this State using the fictitious name as provided in subsection 14A:2-2(3); or

(c) it has first registered the fictitious name as provided in this section.

(2) Any corporation may adopt and use any fictitious name, including any which would be unavailable as the name of a do-

mestic or foreign corporation because of the prohibitions of paragraph 14A:2-2(1)(b), but not including a name prohibited as a corporate name by paragraph 14A:2-2(1)(c), by filing a certificate of registration of fictitious name with the Secretary of State executed on behalf of the corporation. The certificate shall set forth

(a) the name, jurisdiction and date of incorporation of the corporation;

(b) the fictitious name;

(c) a brief statement of the character or nature of the particular business or businesses to be conducted using the fictitious name;

(d) that the corporation intends to use such name in this State;

(e) that the corporation has not previously used the fictitious name in this State in violation of this section or, if it has, the month and year in which it commenced such use.

(3) Such a registration shall be effective for five years from the date of filing and may be renewed successively for additional five-year periods by filing a certificate of renewal executed on behalf of the corporation at any time within three months prior to, but not later than, the date of expiration of the registration. The certificate of renewal shall be effective as of the date of expiration of the earlier registration. The certificate of renewal shall set forth the information required in paragraph 14A:2-2.1(2)(a) through paragraph 14A:2-2.1(2)(d), the date of filing of the certificate of registration then in effect, and that the corporation is continuing to use the fictitious name.

(4) Nothing in this section shall be construed

(a) to grant to the registrant of a fictitious name any right in the name as against any prior or subsequent user of the name, regardless of whether used as a trademark, trade name, business name, or corporate name; or

(b) to interfere with the power of any court to enjoin the use of any such name on the basis of the law of unfair competition or on any other basis except the mere fact of identity or similarity of the fictitious name to any other corporate name.

(5) A corporation which has used a fictitious name in this State contrary to the provisions of this section shall, upon filing a certificate of registration of fictitious name or an untimely certificate

of renewal, pay to the Secretary of State the filing fee prescribed for such a certificate plus an additional filing fee equal to the full amount of the regular filing fee multiplied by the number of years it has been using such fictitious name in violation of this section after the operative date of the prohibitions of this section specified in subsection 14A:2-2.1(8). For purposes of this subsection, any part of a year shall be considered a full year.

(6) The failure of a corporation to file a certificate of registration or renewal of fictitious name shall not impair the validity of any contract or act of such corporation and shall not prevent such corporation from defending any action or proceeding in any court of this State, but no such corporation shall maintain any action or proceeding in any court of this State arising out of a contract or act in which it used such fictitious name until it has filed such a certificate.

(7) (a) A corporation which files a certificate of registration of fictitious name which contains a false statement or omission regarding the date it first used a fictitious name in this State shall, if such false statement or omission reduces the amount of the additional fee it paid or should have paid as provided in subsection 14A:2-2.1(5), forfeit to the State a penalty of not less than \$200.00 nor more than \$500.00.

(b) A corporation which ought to have filed a certificate of registration or renewal of fictitious name and fails to do so within 60 days after being notified of its obligation to do so by certified or registered mail by the Secretary of State, by any other governmental officer, or by any person aggrieved by its failure to do so, shall forfeit to the State a penalty of not less than \$200.00 nor more than \$500.00.

(c) Such penalty shall be recovered with costs in an action prosecuted by the Attorney General. The court may proceed in such an action in a summary manner or otherwise.

(8) The prohibitions of this section shall not be operative until three months from the effective date of the act of which this is a part. Any certificate of registration filed during that three-month period need not include the information required by paragraph 14A:2-2.1(2) (e). (Added by L. 1973, c. 366, § 3.)

4. N. J. S. 14A:2-3 is amended to read as follows:

14A:2-3 Reserved name.

(1) The exclusive right to the use of a corporate name may be reserved upon compliance with the provisions of this section.

(2) The reservation shall be made by filing in the office of the Secretary of State an application to reserve a specified corporate name, or the first name available for corporate use among not more than three specified names, executed by or on behalf of the applicant and setting forth the name and address of the applicant. If the Secretary of State finds that the name complies with the provisions of section 14A:2-2, he shall reserve it for the exclusive use of the applicant for a period of 120 days from the date of filing of the application and shall issue a certificate of reservation.

(3) The right to the exclusive use of a specified corporate name so reserved may be transferred by filing in the office of the Secretary of State a notice of such transfer, executed by or on behalf of the applicant for whom the name was reserved, and specifying the name and address of the transferee.

5. N. J. S. 14A:2-6 is amended to read as follows:

14A:2-6 Incorporators.

(1) One or more individuals or domestic or foreign corporations may act as incorporator or incorporators of a corporation by signing and filing in the office of the Secretary of State a certificate of incorporation for such corporation. Individuals acting as incorporators shall be at least 18 years of age. Incorporators need not be United States citizens or residents of this State or subscribers to shares in the corporation.

(2) Except as otherwise provided in the certificate of incorporation, any action required or permitted by this act to be taken by incorporators may be taken without a meeting.

(3) When there are two or more incorporators, if any dies or is for any reason unable to act, the other or others may act. If there is no incorporator able to act, any person for whom an incorporator was acting as agent may act in his stead, or if such other person also dies or is for any reason unable to act, his legal representative may act.

6. N. J. S. 14A:2-8 is amended to read as follows:

14A:2-8 Organization meeting of directors.

On or after the effective date of the certificate of incorporation, an organization meeting of the board named in the certificate of

incorporation shall be held, at the call of a majority of the board so named, to adopt by-laws, elect officers, authorize the issuance of shares, and transact such other business as may come before the meeting. The board members calling the meeting shall give at least 5 days' notice thereof by mail to each director named in the certificate of incorporation, which notice shall state the time and place of the meeting.

7. N. J. S. 14A:3-3 is amended to read as follows:

14A:3-3 Guaranty not in furtherance of corporate purposes.

A corporation may give a guaranty not in furtherance of its corporate purposes or those of any subsidiary, joint venture or other enterprise in which it has an interest, only when authorized at a meeting of shareholders by the affirmative vote of two-thirds of the votes cast by the holders of each class and series of shares entitled to vote thereon. If authorized by a like vote, such guaranty may be secured by a mortgage of or a security interest in all or any part of the corporate property, or any interest therein, wherever situated.

8. N. J. S. 14A:3-5 is amended to read as follows:

14A:3-5 Indemnification of directors, officers and employees.

(1) As used in this section,

(a) "corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying corporation or of any constituent corporation absorbed by the indemnifying corporation in a consolidation or merger and any person who is or was a director, officer, trustee, employee or agent of any other enterprise, serving as such at the request of the indemnifying corporation, or of any such constituent corporation, or the legal representative of any such director, officer, trustee, employee or agent;

(b) "other enterprise" means any domestic or foreign corporation, other than the indemnifying corporation, and any partnership, joint venture, sole proprietorship, trust or other enterprise, whether or not for profit, served by a corporate agent;

(c) "expenses" means reasonable costs, disbursements and counsel fees;

(d) "liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties; and

(e) "proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitratative action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to such action, suit or proceeding.

(2) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses and liabilities in connection with any proceeding involving the corporate agent by reason of his being or having been such a corporate agent, other than a proceeding by or in the right of the corporation, if

(a) such corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation; and

(b) with respect to any criminal proceeding, such corporate agent had no reasonable cause to believe his conduct was unlawful.

The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that such corporate agent did not meet the applicable standards of conduct set forth in paragraphs 14A:3-5(2) (a) and 14A:3-5(2) (b).

(3) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses in connection with any proceeding by or in the right of the corporation to procure a judgment in its favor which involves the corporate agent by reason of his being or having been such corporate agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such corporate agent shall have been adjudged to be liable for negligence or misconduct, unless and only to the extent that the Superior Court or the court in which such proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, such corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Superior Court or such other court shall deem proper.

(4) Any corporation organized for any purpose under any general or special law of this State shall indemnify a corporate agent

against expenses to the extent that such corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections 14A:3-5(2) and 14A:3-5(3) or in defense of any claim, issue or matter therein.

(5) Any indemnification under subsection 14A:3-5(2) and, unless ordered by a court, under subsection 14A:3-5(3), may be made by the corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met the applicable standard of conduct set forth in subsection 14A:3-5(2) or subsection 14A:3-5(3). Unless otherwise provided in the certificate of incorporation or by-laws, such determination shall be made

(a) by the board of directors or a committee thereof, acting by a majority vote of a quorum consisting of directors who were not parties to or otherwise involved in the proceeding; or

(b) if such a quorum is not obtainable, or, even if obtainable and such quorum of the board of directors or committee by a majority vote of the disinterested directors so directs, by independent legal counsel, in a written opinion, such counsel to be designated by the board of directors; or

(c) by the shareholders if the certificate of incorporation or by-laws or a resolution of the board of directors or of the shareholders so directs.

(6) Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding if authorized in the manner provided in subsection 14A:3-5(5) upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this section.

(7) (a) If a corporation upon application of a corporate agent has failed or refused to provide indemnification as required under subsection 14A:3-5(4) or permitted under subsections 14A:3-5(2), 14A:3-5(3) and 14A:3-5(6), a corporate agent may apply to a court for an award of indemnification by the corporation, and such court

(i) may award indemnification to the extent authorized under subsections 14A:3-5(2) and 14A:3-5(3) and shall award indemnification to the extent required under subsection 14A:3-5(4),

notwithstanding any contrary determination which may have been made under subsection 14A:3-5(5); and

(ii) may allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection 14A:3-5(6), if the court shall find that the corporate agent has by his pleadings or during the course of the proceeding raised genuine issues of fact or law.

(b) Application for such indemnification may be made

(i) in the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(ii) to the Superior Court in a separate proceeding. If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for such relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

The application shall set forth the disposition of any previous application for indemnification and shall be made in such manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the corporation. The court may also direct that notice shall be given at the expense of the corporation to the shareholders and such other persons as it may designate in such manner as it may require.

(8) The indemnification provided by this section shall not exclude any other rights to which a corporate agent may be entitled under a certificate of incorporation, by-law, agreement, vote of shareholders, or otherwise.

(9) Any corporation organized for any purpose under any general or special law of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted against him by reason of his being or having been a corporate agent, whether or not the corporation would have the power to indemnify him against such expenses and liabilities under the provisions of this section.

(10) The powers granted by section 14A:3-5 may be exercised by the corporation notwithstanding the absence of any provision in its certificate of incorporation or by-laws authorizing the exercise of such powers.

(11) Except as required by subsection 14A:3-5(4), no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by a court, if such action would be inconsistent with a provision of the certificate of incorporation, a by-law, a resolution of the board of directors or of the shareholders, an agreement or other proper corporate action, in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise conditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

9. N. J. S. 14A:3-6 is amended to read as follows:

14A:3-6 Provisions relating to actions by shareholders.

(1) No action shall be brought in this State by a shareholder in the right of a domestic or foreign corporation unless the plaintiff was a holder of shares or of voting trust certificates therefor at the time of the transaction of which he complains, or his shares or voting trust certificates thereafter devolved upon him by operation of law from a person who was a holder at such time.

(2) In any action hereafter instituted in the right of any such corporation by the holder or holders of shares of such corporation or of voting trust certificates therefor, the court having jurisdiction, upon final judgment and a finding that the action was brought without reasonable cause, may require the plaintiff or plaintiffs to pay to the parties named as defendant the reasonable expenses, including fees of attorneys, incurred by them in the defense of such action.

(3) In any action now pending or hereafter instituted or maintained in the right of any such corporation by the holder or holders of less than 5% of the outstanding shares of any class or series of such corporation or of voting trust certificates therefor, unless the shares or voting trust certificates so held have a market value in excess of \$25,000.00, the corporation in whose right such action is brought shall be entitled at any time before final judgment to require the plaintiff or plaintiffs to give security for the reasonable expenses, including fees of attorneys, that may be incurred by it in connection with such action or may be incurred by other parties named as defendant for which it may become legally liable. Market value shall be determined as of the date that the plaintiff institutes the action or, in the case of an intervener, as of the date that he becomes a party to the action. The amount of such se-

curity may from time to time be increased or decreased, in the discretion of the court, upon showing that the security provided has or may become inadequate or excessive. The corporation shall have recourse to such security in such amount as the court having jurisdiction shall determine upon the termination of such action.

10. N. J. S. 14A:4-1 is amended to read as follows:

14A:4-1 Registered Office and Registered Agent.

(1) Every corporation organized for any purpose under any general or special law of this State and every foreign corporation authorized to transact business in this State shall continuously maintain a registered office in this State, and a registered agent having a business office identical with such registered office.

(2) The registered office may be, but need not be, the same as a place of business of the corporation which it serves.

(3) The registered agent may be a natural person of the age of 18 years or more, or a domestic corporation or a foreign corporation authorized to transact business in this State, whether or not any such agent corporation is organized for a purpose or purposes for which a corporation may be organized under this act.

(4) The designation of a principal or registered office in this State and of a registered agent in charge thereof by any corporation of this State or by any foreign corporation authorized to transact business in this State, as in force on the effective date of this act, shall continue with like effect as if made hereunder until changed pursuant to this act.

11. N. J. S. 14A:4-5 is amended to read as follows:

14A:4-5 Annual report to Secretary of State.

(1) Every domestic corporation and every foreign corporation authorized to transact business in this State shall file in the office of the Secretary of State, within the time prescribed by this section, an annual report, executed on behalf of the corporation, setting forth

(a) the name of the corporation and, in the case of a foreign corporation, the jurisdiction of its incorporation;

(b) the address of the registered office of the corporation in this State, and the name of its registered agent in this State at such address, and, in the case of a foreign corporation, the address of its main business or headquarters office;

(c) the names and addresses of the directors and officers of the corporation; and

(d) the date appointed for the next annual meeting of the shareholders for the election of directors.

(2) The Secretary of State shall designate a date for filing annual reports for each corporation required to submit a report pursuant to this section and shall annually notify the corporation of the date so designated not less than 60 days prior to such date. The corporation shall file the report within 30 days before or 30 days after the date so designated. If the date so designated is not more than six months after the date on which an annual report pursuant to the provisions of prior law was filed or on which the certificate of incorporation became effective, the corporation shall not be required to file an annual report until one year after the first occurrence of the date so designated.

(3) If the report is not so filed, the corporation shall, after written demand therefor by the Secretary of State by certified mail addressed to the corporation at the last address appearing of record in his office, forfeit to the State a penalty of \$200.00 for each report required to have been filed not more than 5 years prior thereto and remaining unfiled, to be recovered with costs in a civil action prosecuted by the Attorney General. No corporation shall be subject to penalty if it shall, within 30 days after such written demand, file the reports required by law and pay to the Secretary of State the fee provided by law for the filing of each such report. In lieu of such civil action, the Secretary of State, after expiration of such 30-day period, may issue a certificate to the Clerk of the Superior Court that the corporation is indebted for the payment of such penalty, and thereupon the clerk shall immediately enter upon his record of docketed judgments the name of such corporation as the judgment debtor, and of the State as the judgment creditor, a statement that the penalty is imposed under this section, the amount of the penalty, and the date of such certificate. Such entry shall have the same force as a judgment docketed in the Superior Court. The Secretary of State within 5 days after such entry shall give notice thereof to the corporation by certified mail addressed to the corporation at the last address appearing of record in his office.

(4) The Secretary of State shall furnish annual report forms, shall keep in his office all such reports and shall prepare an alpha-

betical index thereof, which reports and index shall be open to public inspection at proper hours.

12. N. J. S. 14A:5-6 is amended to read as follows:

14A:5-6 Action by shareholders without a meeting.

(1) Any action required or permitted to be taken at a meeting of shareholders by this act or the certificate of incorporation or by-laws of a corporation, may be taken without a meeting if all the shareholders entitled to vote thereon consent thereto in writing, except that in the case of any action to be taken pursuant to Chapter 10 of this act, such action may be taken without a meeting only if all shareholders consent thereto in writing or if all shareholders entitled to vote thereon consent thereto in writing and the corporation provides to all other shareholders the advance notification required by paragraph 14A:5-6(2) (b).

(2) Except as otherwise provided in the certificate of incorporation and subject to the provisions of this subsection, any action required or permitted to be taken at a meeting of shareholders by this act, the certificate of incorporation, or by-laws, other than the annual election of directors, may be taken without a meeting upon the written consent of shareholders who would have been entitled to cast the minimum number of votes which would be necessary to authorize such action at a meeting at which all shareholders entitled to vote thereon were present and voting.

(a) If any shareholder shall have the right to dissent from the proposed action, pursuant to Chapter 11 of this act, the board shall fix a date on which written consents are to be tabulated; in any other case, it may fix a date for tabulation. If no date is fixed, consents may be tabulated as they are received. No consent shall be counted which is received more than 60 days after the date of the board action authorizing the solicitation of consents or, in a case in which consents, or proxies for consents, are solicited from all shareholders who would have been entitled to vote at a meeting called to take such action, more than 60 days after the date of mailing of solicitation of consents, or proxies for consents.

(b) Except as provided in subsection 14A:5-6(2) (c), the corporation, upon receipt and tabulation of the requisite number of written consents, shall promptly notify all non-consenting shareholders, who would have been entitled to notice of a meeting to vote upon such action, of the action consented to, the proposed

effective date of such action, and any conditions precedent to such action. Such notification shall be given at least 20 days in advance of the proposed effective date of such action in the case of any action taken pursuant to Chapter 10 of this act, and at least 10 days in advance in the case of any other action. Any shareholder who did not consent, personally, or by proxy, to any action which he has a right to dissent from as provided in Chapter 11 of this act shall in such notice also be informed that he has the right to dissent and to be paid the fair value of his shares, provided he files with the corporation a written notice of dissent as required by subsection 14A:11-2(1) within 20 days from the date of giving of the notice, or such greater period of time as may be granted by the corporation, and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which he must comply in order to assert and enforce such right.

(c) The corporation need not provide the notification required by paragraph 14A:5-6(2) (b) if it

(i) solicits written consents or proxies for consents from all shareholders who would have been entitled to vote at a meeting called to take such action, and at the same time gives notice of the proposed action to all other shareholders who would have been entitled to notice of a meeting called to vote upon such action;

(ii) advises all shareholders, if any, who are entitled to dissent from the proposed action, as provided in Chapter 11 of this act, of their right to do so and to be paid the fair value of their shares, provided they file with the corporation before the date fixed for tabulation of the written consents a written notice of dissent as required by subsection 14A:11-2(1), and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply in order to assert and enforce such right; and

(iii) fixes a date for tabulation of consents not less than 20 days, in the case of any proposed action to be taken pursuant to Chapter 10 of this act, or not less than 10 days in the case of any other proposed action, and not more than 60 days, after the date of mailing of solicitations of consents or proxies for consents.

(d) Any consent obtained pursuant to paragraph 14A:5-6(2) (c) may be revoked at any time prior to the day fixed for tabulation of consents. Any other consent may be revoked at any time prior to the day on which the proposed action could be taken upon compliance with paragraph 14A:5-6(2) (b). No revocation shall be effective unless in writing and until received by the corporation at the place fixed for receipt of consents or, if none, at the main business office or headquarters of the corporation.

(3) Whenever action is taken pursuant to subsection 14A:5-6(1) or 14A:5-6(2), the written consents of the shareholders consenting thereto or the written report of inspectors appointed to tabulate such consents shall be filed with the minutes of proceedings of shareholders.

(4) Any action taken pursuant to subsection 14A:5-6(1) or 14A:5-6(2) shall have the same effect for all purposes as if such action had been taken at a meeting of the shareholders.

(5) If any other provision of this act requires the filing of a certificate upon the taking of an action by shareholders, and such action is taken in the manner authorized by subsection 14A:5-6(1) or 14A:5-6(2), such certificate shall state that such action was taken without a meeting pursuant to the written consents of the shareholders and shall set forth the number of shares represented by such consents.

13. N. J. S. 14A:5-7 is amended to read as follows:

14A:5-7 Fixing record date.

(1) The by-laws may provide for fixing, or in the absence of such a provision the board may fix, in advance, a date as the record date for determining the corporation's shareholders with regard to any corporate action or event and, in particular, for determining the shareholders entitled to

- (a) notice of or to vote at any meeting of shareholders or any adjournment thereof;
- (b) give a written consent to any action without a meeting; or
- (c) receive payment of any dividend or allotment of any right.

The record date may in no case be more than 60 days prior to the shareholders' meeting or other corporate action or event to which it relates. The record date for a shareholders' meeting may not be less than 10 days before the date of the meeting. The record

date to determine shareholders entitled to give a written consent may not be more than 60 days before the date fixed for tabulation of the consents or, if no date has been fixed for tabulation, more than 60 days before the last day on which consents received may be counted.

(2) If no record date is fixed

(a) the record date for a shareholders' meeting shall be the close of business on the day next preceding the day on which notice is given, or, if no notice is given, the day next preceding the day on which the meeting is held; and

(b) the record date for determining shareholders for any purpose other than that specified in paragraph 14A:5-7(2) (a) shall be at the close of business on the day on which the resolution of the board relating thereto is adopted.

(3) When a determination of shareholders of record for a shareholders' meeting has been made as provided in this section, such determination shall apply to any adjournment thereof, unless the board fixes a new record date under this section for the adjourned meeting.

14. N. J. S. 14A:5-8 is amended to read as follows:

14A:5-8 Voting list.

(1) The officer or agent having charge of the stock transfer books for shares of a corporation shall make and certify a complete list of the shareholders entitled to vote at a shareholders' meeting or any adjournment thereof. A list required by this subsection may consist of cards arranged alphabetically. Such list shall

(a) be arranged alphabetically within each class, series, or group of shareholders maintained by the corporation for convenience of reference, with the address of, and the number of shares held by, each shareholder;

(b) be produced at the time and place of the meeting;

(c) be subject to the inspection of any shareholder during the whole time of the meeting; and

(d) be prima facie evidence as to who are the shareholders entitled to examine such list or to vote at any meeting.

(2) If the requirements of this section have not been complied with, the meeting shall, on the demand of any shareholder in person or by proxy, be adjourned until the requirements are complied with. Failure to comply with the requirements of this section shall

not affect the validity of any action taken at such meeting prior to the making of any such demand.

15. N. J. S. 14A:5-19 is amended to read as follows:

14A:5-19 Proxy voting.

(1) Every shareholder entitled to vote at a meeting of shareholders or to express consent without a meeting may authorize another person or persons to act for him by proxy. Every proxy shall be executed in writing by the shareholder or his agent, except that a proxy may be given by a shareholder or his agent by telegram or cable or its equivalent. No proxy shall be valid for more than 11 months, unless a longer time is expressly provided therein, but in no event shall a proxy be valid after 3 years from the date of execution. Unless it is coupled with an interest, a proxy shall be revocable at will. A proxy shall not be revoked by the death or incapacity of the shareholder but such proxy shall continue in force until revoked by the personal representative or guardian of the shareholder. The presence at any meeting of any shareholder who has given a proxy shall not revoke such proxy unless the shareholder shall file written notice of such revocation with the secretary of the meeting prior to the voting of such proxy.

(2) A person named in a proxy as the attorney or agent of a shareholder may, if the proxy so provides, substitute another person to act in his place, including any other person named as an attorney or agent in the same proxy. The substitution shall not be effective until an instrument effecting it is filed with the secretary of the corporation.

16. N. J. S. 14A:5-21 is amended to read as follows:

14A:5-21 Agreements as to voting; provision in certificate of incorporation as to control of directors.

(1) An agreement between two or more shareholders, if in writing and signed by the parties thereto, may provide that in exercising any voting rights, the shares held by them shall be voted as therein provided, or as they may agree, or as determined in accordance with a procedure agreed upon by them.

(2) A provision in the certificate of incorporation otherwise prohibited by law because it improperly restricts the board in its management of the business of the corporation, or improperly transfers or provides for the transfer to one or more persons named in the certificate of incorporation or to be selected from time to time by shareholders, all or any part of such management

otherwise within the authority of the board, shall nevertheless be valid if all the incorporators have authorized such provision in the certificate of incorporation or the holders of record of all outstanding shares, whether or not having voting power, have authorized such provision in an amendment to the certificate of incorporation. If all management powers otherwise within the authority of the board are so transferred, the certificate of incorporation may provide that the corporation shall not have a board in which case the certificate of incorporation and any other certificate or document requiring a statement of the number, names, and addresses of directors shall set out in lieu thereof the name, address, and title, if any, of the person or persons in whom such management authority is then vested.

(3) A provision authorized by subsection 14A:5-21(2) shall become invalid if, to the knowledge of the board, or of the person or persons having the management authority otherwise in the board,

(a) subsequent to the adoption of such provision, shares are transferred or issued to any person who takes delivery of the share certificate without notice thereof, unless such person consents in writing to such provisions; or

(b) any shares of the corporation are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association.

(4) If a provision authorized by subsection 14A:5-21(2) shall have become invalid as provided in subsection 14A:5-21(3), the board, or the person or persons having the management authority otherwise in the board, shall amend the certificate of incorporation to delete such provision by filing a certificate of amendment in the office of the Secretary of State. The certificate shall be executed on behalf of the corporation and shall set forth

(a) the name of the corporation;

(b) the date of the adoption of the amendment;

(c) the deleted provision; and

(d) the event set forth in subsection 14A:5-21(3) by reason of which the provision has become invalid.

(5) The effect of any provision authorized by subsection 14A:5-21(2) shall be to relieve the directors, if any, and grant to and impose upon the person or persons vested with management

authority otherwise in the board the rights, powers, privileges, and liabilities, including liability for managerial acts or omissions, that are granted to and imposed upon directors by law to the extent that, and so long as, the discretion and powers which otherwise would be in the directors in their management of corporate affairs are vested in such person or persons by any such provision. Such person or persons shall be deemed to be directors for purposes of applying the provisions of this act and shall be deemed to be corporate agents for the purposes of section 14A:3-5.

(6) If the certificate of incorporation contains a provision authorized by subsection 14A:5-21(2), the existence of such provision shall be noted conspicuously on the face of every certificate for shares issued by such corporation, and each holder of such certificate shall conclusively be deemed to have taken delivery with notice of such provision.

(7) As used in this section, "person" shall include a natural person, a domestic or foreign corporation, a partnership, limited partnership, trust, firm, society, association, joint stock company, or any other entity legally competent to contract in its own name.

17. N. J. S. 14A:5-24 is amended to read as follows:

14A:5-24 Elections of directors; cumulative voting.

(1) Elections of directors need not be by ballot unless a shareholder demands election by ballot at the election and before the voting begins. If the by-laws require election by ballot at any shareholders' meeting, such requirement is waived unless compliance therewith is requested by a shareholder entitled to vote at such meeting.

(2) At each election of directors every shareholder entitled to vote at such election shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or, if the certificate of incorporation so provides, to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the aggregate number of his votes shall equal, or by distributing such votes on the same principle among any number of such candidates.

(3) Except as otherwise provided by the certificate of incorporation, directors shall be elected by a plurality of the votes cast at an election.

18. N. J. S. 14A:5-25 is amended to read as follows:

14A:5-25 Selection of inspectors.

(1) Unless the by-laws otherwise provide, the board may, in advance of any shareholders' meeting, or of the tabulation of written consents of shareholders without a meeting, appoint one or more inspectors to act at the meeting or any adjournment thereof or to tabulate such consents and make a written report thereof.

(2) If inspectors to act at any meeting of shareholders are not so appointed by the board or as otherwise provided in the by-laws or shall fail to qualify, the person presiding at a shareholders' meeting may, and on the request of any shareholder entitled to vote thereat, shall, make such appointment.

(3) In case any person appointed as inspector fails to appear or act, the vacancy may be filled by appointment made by the board in advance of the meeting or at the meeting by the person presiding at the meeting.

(4) If the by-laws require inspectors at any shareholders' meeting, such requirement is waived unless compliance therewith is requested by a shareholder entitled to vote at such meeting.

(5) Each inspector, before entering upon the discharge of his duties, shall take and sign an oath faithfully to execute the duties of inspector with strict impartiality and according to the best of his ability.

(6) No person shall be elected a director in an election for which he has served as an inspector.

19. N. J. S. 14A:5-28 is amended to read as follows:

14A:5-28 Books and records; right of inspection.

(1) Each corporation shall keep books and records of account and minutes of the proceedings of its shareholders, board and executive committee, if any. Unless otherwise provided in the by-laws, such books, records and minutes may be kept outside this State. The corporation shall make available for inspection at its registered office, or at the office of its transfer agent in this State, a record or records containing the names and addresses of all shareholders, the number, class and series of shares held by each and the dates when they respectively became the owners of record thereof, within 10 days after demand by a shareholder entitled to

inspect them, as defined in subsection 14A:5-28(3), except that in the case of shares listed on a national securities exchange, the records may be made available at the office of the corporation's transfer agent within or without this State. Any of the foregoing books, minutes or records may be in written form or in any other form capable of being converted into written form within a reasonable time. A corporation shall convert into written form without charge any such records not in such form, upon the written request of any person entitled to inspect them.

(2) Upon the written request of any shareholder, the corporation shall mail to such shareholder its balance sheet as at the end of the preceding fiscal year, and its profit and loss and surplus statement for such fiscal year.

(3) Any person who shall have been a shareholder of record of a corporation for at least six months immediately preceding his demand, or any person holding, or so authorized in writing by the holders of, at least 5% of the outstanding shares of any class or series, upon at least five days' written demand shall have the right for any proper purpose to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its shareholders and record of shareholders and to make extracts therefrom, at the places where the same are kept pursuant to subsection 14A:5-28(1).

(4) Nothing herein contained shall impair the power of any court, upon proof by a shareholder of proper purpose, irrespective of the period of time during which said shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such shareholder of the books and records of account, minutes and record of shareholders of a corporation.

(5) Holders of voting trust certificates representing shares of the corporation shall be regarded as shareholders for the purpose of this section.

20. N. J. S. 14A:5-29 is amended to read as follows:

14A:5-29 Preemptive rights.

(1) Except as otherwise provided in the certificate of incorporation, a corporation may issue or deliver unissued or treasury shares, or option rights, or obligations or other securities having conversion or option rights, without first offering them to existing shareholders.

(2) The preemptive rights, whether created by statute or common law, of shareholders of corporations organized prior to the effective date of this act shall not be affected by subsection 14A:5-29(1). Any such corporation may alter or abolish its shareholders' preemptive rights by an amendment of its certificate of incorporation.

(3) If a corporation organized after the effective date of this act elects to grant its shareholders preemptive rights, such rights shall be as provided in this subsection, except as otherwise provided in the certificate of incorporation. Such an election may be made by stating in the certificate of incorporation that "The shareholders shall have preemptive rights." The effect of the inclusion of such a statement shall be as follows:

(a) Upon the issue for cash of shares, or options to purchase shares, of the same class as those held by a shareholder, the shareholder shall have a preemptive right to acquire a pro rata portion of such shares or options so issued according to the number of shares of such class held by him. Such preemptive right shall extend to unissued shares and to treasury shares. It shall also extend to shares, obligations or other securities, however described, which are convertible into shares of the same class as those held by the shareholder.

(b) Shares, obligations or other securities of the corporation which are subject to preemptive rights as herein provided shall not be deemed to be issued for cash within the meaning of this section if cash constitutes only a part of the consideration received by the corporation.

(c) A shareholder may waive his preemptive right; a waiver of a preemptive right, when evidenced by a writing, shall be binding upon the shareholder notwithstanding it is given without consideration.

(d) No shareholder shall have a preemptive right to acquire shares, obligations or other securities as herein provided, which

(i) are issued pursuant to a plan of merger or consolidation;

(ii) are issued pursuant to subsection 14A:7-7(2) or Chapter 8 of this act;

(iii) are issued to satisfy conversion or option rights, however evidenced, granted by the corporation;

(iv) are issued pursuant to a plan of reorganization approved by a court pursuant to a statute of this State or of the United States; or

(v) are part of the shares, obligations or other securities authorized in the original certificate of incorporation and are issued within six months from the effective date of such certificate.

(e) Upon the proposed issuance of shares, obligations or other securities subject to preemptive rights, the board shall cause notice to be given to each shareholder of record entitled to preemptive rights. The notice shall set forth

(i) the amount of shares, obligations or other securities with respect to which the shareholder has a preemptive right and the method used to determine that amount;

(ii) the price and other terms and conditions upon which the shareholder may purchase such shares, obligations or other securities; and

(iii) the time within which and the method by which the shareholder must exercise the right.

The notice shall be given at least 30 days prior to the time within which the shareholder must exercise the right.

(f) Shares, obligations or other securities subject to preemptive rights, which are not acquired by shareholders in the exercise of their preemptive rights may, for a period not exceeding one year after the date limited by the directors for the exercise of such preemptive rights, be issued, sold, or optioned to such person or persons as the board may determine, at a price not less than that at which they were offered to such shareholders. Any such shares, obligations or other securities not so issued, sold or optioned during such one-year period, shall at the expiration of such period again be subject to preemptive rights of shareholders.

21. N. J. S. 14A:6-1 is amended to read as follows:

14A:6-1 Board of directors.

The business and affairs of a corporation shall be managed by its board, except as in this act or in its certificate of incorporation otherwise provided. Directors shall be at least 18 years of age and need not be United States citizens or residents of this State or shareholders of the corporation unless the certificate of incor-

poration or by-laws so require. The certificate of incorporation or by-laws may prescribe other qualifications for directors.

22. N. J. S. 14A:6-2 is amended to read as follows:

14A:6-2 Number of directors.

The board of directors of a corporation shall consist of one or more members. Subject to any provisions contained in the certificate of incorporation, the by-laws shall specify the number of directors, or that the number of directors shall not be less than a stated minimum nor more than a stated maximum, with the actual number to be determined in the manner prescribed in the by-laws, except as to the number constituting the first board.

23. N. J. S. 14A:6-7 is amended to read as follows:

14A:6-7 Quorum of board of directors and committees; action of directors without a meeting.

(1) A majority of the entire board, or of any committee thereof, shall constitute a quorum for the transaction of business, unless the certificate of incorporation or the by-laws shall provide that a greater or lesser number shall constitute a quorum, which in no case shall be less than the greater of two persons or one-third of the entire board or committee, except that when the entire board or a committee thereof consists of one director, then one director shall constitute a quorum. The act of the majority present at a meeting at which a quorum is present shall be the act of the board or of the committee, unless the act of a greater number is required by this act, the certificate of incorporation or the by-laws.

(2) Unless otherwise provided by the certificate of incorporation or by-laws, any action required or permitted to be taken pursuant to authorization voted at a meeting of the board or any committee thereof, may be taken without a meeting if, prior or subsequent to such action, all members of the board or of such committee, as the case may be, consent thereto in writing and such written consents are filed with the minutes of the proceedings of the board or committee. Such consent shall have the same effect as a unanimous vote of the board or committee for all purposes, and may be stated as such in any certificate or other document filed with the Secretary of State.

24. N. J. S. 14A:6-8 is amended to read as follows:

14A:6-8 Effect of common directorships and directors' personal interest.

(1) No contract or other transaction between a corporation and one or more of its directors, or between a corporation and any domestic or foreign corporation, firm or association of any type or kind in which one or more of its directors are directors or are otherwise interested, shall be void or voidable solely by reason of such common directorship or interest, or solely because such director or directors are present at the meeting of the board or a committee thereof which authorizes or approves the contract or transaction, or solely because his or their votes are counted for such purpose, if

(a) the contract or other transaction is fair and reasonable as to the corporation at the time it is authorized, approved or ratified; or

(b) the fact of the common directorship or interest is disclosed or known to the board or committee and the board or committee authorizes, approves, or ratifies the contract or transaction by unanimous written consent, provided at least one director so consenting is disinterested, or by affirmative vote of a majority of the disinterested directors, even though the disinterested directors be less than a quorum; or

(c) the fact of the common directorship or interest is disclosed or known to the shareholders, and they authorize, approve or ratify the contract or transaction.

(2) Common or interested directors may be counted in determining the presence of a quorum at a board or committee meeting at which a contract or transaction described in subsection 14A:6-8(1) is authorized, approved or ratified.

(3) The board, by the affirmative vote of a majority of directors in office and irrespective of any personal interest of any of them, shall have authority to establish reasonable compensation of directors for services to the corporation as directors, officers, or otherwise; provided that the approval of the shareholders shall be required if the by-laws so provide.

25. N. J. S. 14A:6-9 is amended to read as follows:

14A:6-9 Executive committee; other committees.

(1) If the certificate of incorporation or the by-laws so provide, the board, by resolution adopted by a majority of the entire board, may appoint from among its members an executive committee and one or more other committees, each of which shall have one or more members. To the extent provided in such resolution, or in the certificate of incorporation or in the by-laws, each such committee shall have and may exercise all the authority of the board, except that no such committee shall

(a) make, alter or repeal any by-law of the corporation;

(b) elect or appoint any director, or remove any officer or director;

(c) submit to shareholders any action that requires shareholders' approval; or

(d) amend or repeal any resolution theretofore adopted by the board which by its terms is amendable or repealable only by the board.

(2) The board, by resolution adopted by a majority of the entire board may,

(a) fill any vacancy in any such committee;

(b) appoint one or more directors to serve as alternate members of any such committee, to act in the absence or disability of members of any such committee with all the powers of such absent or disabled members;

(c) abolish any such committee at its pleasure; and

(d) remove any director from membership on such committee at any time, with or without cause.

(3) Actions taken at a meeting of any such committee shall be reported to the board at its next meeting following such committee meeting; except that, when the meeting of the board is held within 2 days after the committee meeting, such report shall, if not made at the first meeting, be made to the board at its second meeting following such committee meeting.

(4) The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law.

26. N. J. S. 14A:6-11 is amended to read as follows:

14A:6-11 Loans to officers or employees.

A corporation may lend money to, or guarantee any obligation of, or otherwise assist, any officer or other employee of the corporation or of any subsidiary, whenever, in the judgment of the directors, such loan, guarantee or assistance may reasonably be expected to benefit the corporation; provided, however, that a corporation shall not lend money to, guarantee any obligation of, or otherwise assist, any officer or other employee who is also a director of the corporation, except pursuant to a plan adopted by the shareholders in accordance with the provisions of Chapter 8 of this act, unless such loan, guarantee or assistance is authorized by the certificate of incorporation or a by-law adopted by the shareholders, and then only when authorized by a majority of the entire board. The loan, guarantee or other assistance may be made with or without interest, and may be unsecured, or secured in such manner as the board shall approve, including, without limitation, a pledge of shares of the corporation, and may be made upon such other terms and conditions as the board may determine. Notwithstanding the provisions of subsection 14A:7-5(1), the proceeds of any such loan may be applied to the purchase of shares of the corporation, and any shares so purchased shall be deemed to be fully paid and nonassessable.

27. N. J. S. 14A:6-12 is amended to read as follows:

14A:6-12 Liability of directors in certain cases.

(1) In addition to any other liabilities imposed by law upon directors of a corporation, directors who vote for, or concur in, any of the following corporate actions

(a) the declaration of any dividend or other distribution of assets to the shareholders contrary to the provisions of this act or contrary to any restrictions contained in the certificate of incorporation;

(b) the purchase of the shares of the corporation contrary to the provisions of this act or contrary to any restrictions contained in the certificate of incorporation;

(c) the distribution of assets to shareholders during or after dissolution of the corporation without paying, or adequately providing for, all known debts, obligations and liabilities of the corporation, except that the directors shall be liable only to the extent of the value of assets so distributed and to the extent that such debts, obligations and liabilities of the corporation are not

thereafter paid, discharged, or barred by statute or otherwise;

(d) the complete liquidation of the corporation and distribution of all of its assets to its shareholders without dissolving or providing for the dissolution of the corporation and the payment of all fees, taxes, and other expenses incidental thereto, except that the directors shall be liable only to the extent of the value of assets so distributed and to the extent that such fees, taxes, and other expenses incidental to dissolution are not thereafter paid;

(e) the making of any loan to an officer, director or employee of the corporation or of any subsidiary thereof contrary to the provisions of this act;

shall be jointly and severally liable to the corporation for the benefit of its creditors or shareholders, to the extent of any injury suffered by such persons, respectively, as a result of any such action.

(2) Any director against whom a claim is successfully asserted under this section shall be entitled to contribution from the other directors who voted for, or concurred in, the action upon which the claim is asserted.

(3) Directors against whom a claim is successfully asserted under this section shall be entitled, to the extent of the amounts paid by them to the corporation as a result of such claims,

(a) upon payment to the corporation of any amount of an improper dividend or distribution, to be subrogated to the rights of the corporation against shareholders who received such dividend or distribution with knowledge of facts indicating that it was not authorized by this act, in proportion to the amounts received by them respectively;

(b) upon payment to the corporation of any amount of the purchase price of an improper purchase of shares, to have the corporation rescind such purchase of shares and recover for their benefit, but at their expense, the amount of such purchase price from any seller who sold such shares with knowledge of facts indicating that such purchase of shares by the corporation was not authorized by this act;

(c) upon payment to the corporation of the claim of any creditor by reason of a violation of paragraph 14A:6-12(1) (c), to be subrogated to the rights of the corporation against shareholders who received an improper distribution of assets;

(d) upon payment to the corporation of the amount of any loan made improperly, to be subrogated to the rights of the corporation against the person who received the improper loan.

(4) A director shall not be liable under this section if, in the circumstances, he discharged his duty to the corporation under section 14A:6-14.

(5) Every action against a director for recovery upon a liability imposed by subsection 14A:6-12(1) shall be commenced within six years next after the cause of any such action shall have accrued.

28. N. J. S. 14A:6-13 is amended to read as follows:

14A:6-13 Liability of directors; presumption of assent to action taken at a meeting.

A director of a corporation who is present at a meeting of its board, or any committee thereof of which he is a member, at which action on any corporate matter referred to in section 14A:6-12 is taken shall be presumed to have concurred in the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before or promptly after the adjournment thereof. Such right to dissent shall not apply to a director who voted in favor of such action. A director who is absent from a meeting of the board, or any committee thereof of which he is a member, at which any such action is taken shall be presumed to have concurred in the action unless he shall file his dissent with the secretary of the corporation within a reasonable time after learning of such action.

29. N. J. S. 14A:6-15 is amended to read as follows:

14A:6-15 Officers.

(1) The officers of a corporation shall consist of a president, a secretary, a treasurer, and, if desired, a chairman of the board, one or more vice presidents, and such other officers as may be prescribed by the by-laws. Unless otherwise provided in the by-laws, the officers shall be elected by the board.

(2) Any two or more offices may be held by the same person but no officer shall execute, acknowledge, or verify any instrument in more than one capacity if such instrument is required by law or by the by-laws to be executed, acknowledged, or verified by two or more officers.

(3) Any officer elected as herein provided shall hold office for the term for which he is so elected and until a successor is elected and has qualified, subject to earlier termination by removal or resignation.

(4) All officers of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the by-laws, or as may be determined by resolution of the board not inconsistent with the by-laws.

30. N. J. S. 14A:7-2 is amended to read as follows:

14A:7-2 Issuance of shares in classes and series; board action.

(1) The division of shares into classes and into series within any class or classes, the determination of the designation and the number of shares of any class or series, the determination of the relative rights, preferences and limitations of the shares of any class or series, and any or all of such divisions and determinations, may be accomplished by the original certificate of incorporation or may be accomplished by an amendment or amendments thereto. Such an amendment may be made by any procedure to amend the certificate of incorporation provided for in Chapter 9 of this act or as provided in subsection 14A:7-2(2).

(2) Such an amendment may be made by action of the board if the certificate of incorporation authorizes the board to make such divisions and determinations. Unless otherwise provided in the certificate of incorporation, authority granted to the board to determine the number of shares of any class or series shall be deemed to include the power to increase the number of shares of such class or series previously determined by it, and to decrease such previously determined number of shares to a number not less than that of the shares then outstanding. Upon any such decrease, the affected shares shall continue as part of the authorized shares and shall have such designation and such relative rights, preferences and limitations as they had before the board first acted to include them in such class or series. Unless otherwise provided in the certificate of incorporation, authority granted to the board to determine the relative rights and preferences of any class or series shall be deemed to include the power to determine relative rights and preferences which are prior or subordinate to, or equal with, the shares of any other class or series, whether or not such other shares are issued and outstand-

ing at the time when the board acts to determine such relative rights and preferences. The certificate of incorporation may authorize the board to change the designation or number of shares, or the relative rights, preferences and limitations of the shares, of any theretofore established class or series no shares of which have been issued.

(3) Whenever the board acts under subsection 14A:7-2(2) it shall adopt a resolution setting forth its actions and stating the designation and number of shares, and the relative rights, preferences and limitations of the shares, of each class and series thereby created or with respect to which it has made a determination or change.

(4) Before the issue of any shares of a class or series with respect to which the board has acted under subsection 14A:7-2(2), the corporation shall execute and file in the office of the Secretary of State a certificate of amendment to the certificate of incorporation setting forth

- (a) the name of the corporation;
- (b) a copy of the resolution of the board required by subsection 14A:7-2(3);
- (c) that such resolution was duly adopted by the board and the date of such adoption; and
- (d) that the certificate of incorporation is amended so that the designation and number of shares of each class and series acted upon in the resolution, and the relative rights, preferences and limitations of each such class and series, are as stated in the resolution.

31. N. J. S. 14A:7-3 is amended to read as follows:

14A:7-3 Subscriptions for shares.

(1) Unless otherwise provided by the subscription agreement or unless all of the subscribers consent to the revocation of such subscription, a subscription for shares of a corporation to be formed shall be irrevocable for a period of 6 months if no certificate of incorporation shall be filed within such period. If the certificate of incorporation is filed within such period, or if it is filed at any later time before revocation, such subscription shall also be irrevocable until 60 days after the filing of the certificate of incorporation. Subscriptions for shares, whether made before or after the organization of a corporation, shall be accepted or re-

jected by the board, unless the certificate of incorporation or the by-laws require action by the shareholders.

(2) A subscription agreement, whether made before or after the formation of a corporation, shall not be enforceable unless it satisfies the requirements provided in N. J. S. § 12A:8-319 with respect to a contract for the sale of securities.

(3) A subscriber shall not become a holder of any shares for which the full consideration has not been paid. Unless otherwise provided by the subscription agreement

(a) any payment made by the subscriber, in accordance with the subscription agreement or as called for by the board, shall be applied to pay the full consideration for as many whole shares as possible and any remaining balance of such payment shall be applied as part payment of a share;

(b) a share certificate shall be registered in the name of the subscriber for the number of shares so paid for in full; and

(c) the corporation shall be entitled to retain such share certificate as security for the performance by the subscriber of his obligations under the subscription agreement and subject to the power of sale or rescission upon default provided in paragraphs 14A:7-3(5) (b) and 14A:7-3(5) (c).

(4) Unless otherwise provided by the subscription agreement

(a) subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board;

(b) any call made by the board for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be;

(c) all such calls for payments on subscriptions shall be upon 30 days' notice thereof and of the time and place of payment, which notice shall be given personally or by registered or certified mail.

(5) In the event of default in the payment of any installment or call or other amount due under the terms of the subscription agreement, including any amount which may become due as a result of a default in the performance of any provision thereof, the corporation shall have the following rights and duties:

(a) It may proceed to collect the amount due in the same manner as any other debt owing to it. At any time before full satisfaction of the claim or any judgment therefor, it may proceed as provided in paragraph 14A:7-3(5) (b).

(b) It may sell the shares in any reasonable manner. Notice of the time and place of any public sale or of the time after which any private sale may be had, together with a statement of the amount due upon each share, shall be given in writing to the subscriber personally or by registered or certified mail at least 20 days before any such time stated in the notice. Unless otherwise provided in the subscription agreement, the corporation may not be the purchaser at any sale. Any excess of net proceeds realized over the amount due plus interest shall be paid over to the subscriber. If the sale is made in good faith, in a reasonable manner and upon the notice required by this paragraph, the corporation may recover the difference between the amount due plus interest and the net proceeds of the sale. A good faith purchaser for value shall acquire title to the sold shares free of any rights of the subscriber even though the corporation fails to comply with one or more of the requirements of this subsection.

(c) It may rescind the subscription, with the effect provided in subsection 14A:7-3(6), and may recover damages for breach of contract. Unless special circumstances show proximate damages of a different amount, the measure of damages shall be the difference between the market price at the time and place for tender of the shares and the unpaid contract price. Liquidated damages may be provided for in the subscription agreement in an amount which is reasonable under the circumstances, including the difficulties of proof of loss. The subscriber shall be entitled to restitution of any amount by which the sum of his payments exceeds the corporation's damages for breach of contract, whether fixed by agreement or judgment.

The rights and duties set forth in subsection 14A:7-3(5) shall be interpreted as cumulative so far as is consistent with the purpose of entitling the corporation to a full and single recovery of the amount due or its damages. The subscription agreement may limit the rights and remedies of the corporation set forth in subsection 14A:7-3(5), and may add to them so far as is consistent with the preceding sentence.

(6) The rescission by the corporation of a subscription under

which a portion of the shares subscribed for have been issued and in which the corporation retains a security interest, as provided in subsection 14A:7-3(3), shall effect the cancellation of such shares.

(7) A contract made with a corporation to purchase its shares, whether shares to be issued or treasury shares, is a subscription agreement and not an executory contract to purchase shares, unless otherwise provided in the agreement.

32. N. J. S. 14A:7-5 is amended to read as follows:

14A:7-5 Payment for shares.

(1) Subject to any restrictions contained in the certificate of incorporation, the consideration for the issuance of shares may be paid, in whole or in part, in money, in real property, in tangible or intangible personal property, including stock of another corporation, or in labor or services actually performed for the corporation or in its formation. Neither obligations of the subscriber nor any future services shall constitute payment or part payment for the issuance of shares of the corporation.

(2) When payment of the full consideration for which shares are to be issued is made, the subscriber shall thereupon become entitled to all the rights and privileges of a holder of such shares, including the registration in his name of a certificate representing them, and such shares shall be fully paid and nonassessable.

33. N. J. S. 14A:7-6 is amended to read as follows:

14A:7-6 Redeemable shares.

(1) A corporation may provide in its certificate of incorporation for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the corporation in cash, its bonds or other property, at such price or prices, within such period or periods, and under such conditions as are stated in the certificate of incorporation. A sinking fund may be created for the redemption of any class or series of redeemable shares.

(2) A corporation which is an open-end investment company, as defined in an Act of Congress entitled "Investment Company Act of 1940," as amended or supplemented, or any act adopted in substitution therefor, may, if its certificate of incorporation so provides and upon compliance with that act, issue shares which are redeemable at the option of the holder at a price approximately equal to the shares' proportionate interest in the net assets of the corporation, and a shareholder may compel redemption of such shares in accordance with their terms.

(3) A corporation may provide, in its original certificate of incorporation or by an amendment approved by unanimous vote of the shareholders, for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the shareholder. Subject to the restrictions imposed by section 14A:7-16, such shares may be redeemable in cash, bonds of the corporation or other property, at such price or prices, within such period or periods and under such conditions as are stated in the certificate of incorporation, and such shares may also be redeemable at the option of the corporation, as provided in subsection 14A:7-6(1). The certificate of incorporation may be amended to delete or change a provision for shares redeemable at the option of the shareholder only with the unanimous approval of the holders of such shares. A provision for shares redeemable at the option of the shareholder shall become invalid when the number of holders of such shares, other than directors, officers, employees and the spouses of such persons, shall become 25 or more. For the purposes of the preceding sentence, shares which are held in joint or common tenancy or by the entirety shall be counted as held by one holder. The provisions of this subsection shall not be applicable to an open-end investment company.

(4) If a provision for shares redeemable at the option of the holder shall have become invalid as provided in subsection 14A:7-6(3), the board shall amend the certificate of incorporation to delete such provision by filing a certificate of amendment in the office of the Secretary of State. The certificate shall be executed on behalf of the corporation and shall set forth

(a) the name of the corporation;

(b) the date of adoption of the amendment;

(c) the deleted provision; and

(d) that the provision for shares redeemable at the option of the holder has become invalid because the number of holders of such shares, other than directors, officers, employees and the spouses of such persons, has become 25 or more.

The corporation shall thereupon give written notice of such invalidity to each holder of shares which have ceased to be redeemable at the option of the holder.

34. N. J. S. 14A:7-7 is amended to read as follows:

14A:7-7 Share rights and options.

(1) Subject to any provisions in respect thereof set forth in its certificate of incorporation, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or bonds, rights or options entitling the holders thereof to purchase from the corporation shares of any class or series for such consideration and upon such terms and conditions as may be fixed by the board. The shares to be purchased upon the exercise of any such right or option may be authorized but unissued shares, treasury shares or shares to be purchased or acquired by the corporation for the purpose. Such rights or options shall be evidenced in such manner as the board shall approve and, without limiting the generality of the foregoing, may be evidenced by warrants attached to or forming part of bond instruments or share certificates or existing independently thereof. The instruments evidencing such rights or options shall set forth or incorporate by reference the terms and conditions of their exercise, including the time or times, which may be limited or unlimited in duration, within which, and the price or prices at which such shares may be purchased from the corporation, and any limitations on the transferability of any such right or option. The consideration for shares to be purchased upon the exercise of any such right or option shall comply with the requirements of sections 14A:7-4 and 14A:7-5. In the absence of fraud in the transaction, the judgment of the board as to the adequacy of the consideration received for such rights or options shall be conclusive.

(2) If such rights or options are to be issued to employees as defined in subsection 14A:8-1(2), or to their families, dependents or beneficiaries, pursuant to a plan, the provisions of Chapter 8 of this act govern their issuance. Without acting pursuant to a plan, a corporation may also issue such rights or options to any such employee, as an incentive to service or continued service of any such employee, provided, however, that shareholder approval shall be required for the issuance of any such right or option if the shares of the corporation subject thereto, together with the shares subject to or acquired by exercise of any rights or options previously issued by the corporation to such employee, his dependents or beneficiaries, would equal in number more than 1% of the shares of any class of the corporation outstanding at the date of the board action authorizing the issuance of such right or option.

35. N. J. S. 14A:7-8 is amended to read as follows:

14A:7-8 Determination of amount of stated capital.

(1) The consideration received by a corporation upon the issuance of shares having a par value shall constitute stated capital to the extent of the par value and the excess, if any, shall constitute capital surplus.

(2) The consideration received by a corporation upon the issuance of shares without par value shall constitute stated capital unless, prior to or within 60 days after the issuance of such shares, the board shall allocate a portion of such consideration to capital surplus. No such allocation shall be made of any portion of the consideration for the issue of shares without par value which is fixed by the shareholders pursuant to a right reserved in the certificate of incorporation, unless such allocation is authorized by a vote of the shareholders, nor shall such allocation be made contrary to any restrictions contained in the certificate of incorporation.

(3) If shares have been or shall be issued by a corporation in merger or consolidation or in acquisition of all or substantially all of the outstanding shares or of the property and assets of another corporation, whether domestic or foreign, any amount that would otherwise constitute capital surplus under the foregoing provisions of this section may instead be allocated to earned surplus by the board of the issuing corporation except that its aggregate earned surplus shall not exceed the sum of the earned surpluses of the issuing corporation and of all other corporations, domestic or foreign, that were merged or consolidated or of which the shares or assets were acquired.

(4) The stated capital of a corporation may be increased from time to time by resolution of the board directing that all or a part of the surplus of the corporation be transferred to stated capital. The board may direct that the amount so transferred shall be stated capital in respect to any designated class or series of shares.

36. N. J. S. 14A:7-11 is amended to read as follows:

14A:7-11 Certificates representing shares.

(1) The shares of a corporation shall be represented by certificates signed by, or in the name of the corporation by, the chairman or vice-chairman of the board, or the president or a vice-president, and by the treasurer or an assistant treasurer, or the secretary or an assistant secretary of the corporation and may be sealed

with the seal of the corporation or a facsimile thereof. If the certificate is countersigned by a transfer agent or registrar, who is not an officer or employee of the corporation, any and all other signatures may be facsimiles. In case any officer, transfer agent or registrar who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer, transfer agent, or registrar before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer, transfer agent or registrar at the date of its issue.

(2) Every share certificate delivered after the effective date of this act by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, a full statement

(a) of the designations, relative rights, preferences and limitations of the shares of each class and series authorized to be issued, so far as the same have been determined, and

(b) of the authority of the board to divide the shares into classes or series and to determine and change the relative rights, preferences and limitations of any class or series, or

shall set forth that the corporation will furnish to any shareholder, upon request and without charge, such a full statement.

(3) Each certificate representing shares shall state upon the face thereof

(a) that the corporation is organized under the laws of this State;

(b) the name of the person to whom issued; and

(c) the number and class of shares, and the designation of the series, if any, which such certificate represents.

(4) No certificate shall be issued for any share until such share is fully paid, except as provided in section 14A:8-3.

(5) A card which is punched, magnetically coded or otherwise treated so as to facilitate machine or automatic processing, may be used as a share certificate if it otherwise complies with the provisions of this section.

37. N. J. S. 14A:7-13 is amended to read as follows:

14A:7-13 Issuance of fractional shares or scrip.

Unless otherwise provided in its certificate of incorporation, a corporation may, but shall not be obliged to, issue fractions of a

share and certificates therefor. By action of its board, a corporation may, in lieu of issuing fractional shares, pay cash equal to the value of such fractional share, or issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any distribution of assets of the corporation in the event of liquidation, but scrip shall not entitle the holder to exercise such voting rights, receive dividends or participate in any such distribution of assets unless such scrip shall so provide. All scrip shall be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date. If such scrip is not so exchanged, the corporation shall either sell the shares for which such scrip was exchangeable and distribute the proceeds thereof pro rata to the holders of such scrip, or pay, pro rata, to the holders of such scrip the market value of the shares for which such scrip was exchangeable as of the day when such scrip became void.

38. N. J. S. 14A:7-15.1 is added as follows:

14A:7-15.1 Share divisions and combinations.

(1) A corporation may effect a division or combination of its shares in the manner hereinafter set forth. As used in this section, the terms "division" and "combination" mean dividing or combining shares of any class or series, whether issued or unissued, into a greater or lesser number of shares of the same class or series without in either case changing the stated capital of the corporation.

(2) Except as otherwise provided in the certificate of incorporation, a division or combination may be effected by action of the board alone unless (a) the rights or preferences of the holders of outstanding shares of any class or series will be adversely affected thereby or (b) the number of authorized but unissued shares will be increased thereby, in either of which cases shareholder approval shall be required in accordance with subsection 14A:9-2(4) and section 14A:9-3. In any case in which the board alone is authorized to effect a combination or division, it shall have authority to amend the certificate of incorporation to increase or decrease the par value of shares, increase or decrease the number of authorized shares or make any other change necessary or appropriate to assure that the rights or preferences of

the holders of outstanding shares of any class or series will not be adversely affected by such combination or division.

(3) If a division or combination is effected by board action without shareholder approval, there shall be executed on behalf of the corporation and filed in the office of the Secretary of State a certificate setting forth

(a) the name of the corporation;

(b) the date of adoption by the board of the resolution approving the division or combination;

(c) that the division or combination will not adversely affect the rights or preferences of the holders of outstanding shares of any class or series and will not, except as permitted by subsection 14A:7-15.1(5), increase the number of authorized but unissued shares;

(d) the class or series and number of shares thereof subject to the division or combination and the number of shares into which they are to be divided or combined;

(e) any amendment of the certificate of incorporation in connection with the division or combination, or that no amendment is being made; and

(f) if the division or combination is to become effective at a time subsequent to the time of filing, the date, which may not exceed 30 days from the date of filing, when the same is to become effective.

(4) If a division or combination is effected by action of the board and shareholders, there shall be executed on behalf of the corporation and filed in the office of the Secretary of State a certificate of amendment as provided in subsection 14A:9-4(3), which certificate shall set forth, in addition to all information required by said subsection, the information required by paragraph 14A:7-15.1(3) (d).

(5) Upon a combination becoming effective, the authorized shares of the class or series subject thereto shall be reduced by the number by which the issued shares of such class or series were reduced as a result of the combination unless the certificate of incorporation otherwise provides or the combination was approved by the shareholders in accordance with subsection 14A:9-2(4) and section 14A:9-3.

(6) Nothing herein shall be deemed to prevent the corporation from increasing or decreasing its stated capital as permitted by this act in connection with any division or combination effected pursuant to this section.

39. N. J. S. 14A:7-17 is amended to read as follows:

14A:7-17 Disclosure to shareholders upon certain distributions or earned surplus transactions.

(1) Every dividend or other distribution from a source in whole or in part other than earned surplus, and every share dividend or other distribution of shares of the corporation, except a share dividend paid out of earned surplus, shall be accompanied by a written notice disclosing the amounts by which such dividend or distribution affects stated capital, capital surplus and earned surplus, or, if such amounts are not determinable at the time of such notice, disclosing the approximate effect of such dividend or distribution upon stated capital, capital surplus and earned surplus and stating that such amounts are not yet determinable.

(2) A corporation which applies any part or all of its capital surplus to the reduction or elimination of any deficit in its earned surplus, as permitted by subsection 14A:7-20(3), shall disclose such application in the next financial statement covering the period in which such application is made that is furnished by the corporation to all its shareholders, or, if practicable, in the first notice of dividend or share distribution that is furnished to holders of each class or series of its shares between the date of such application and the next such financial statement, and in any event to all its shareholders within 16 months of the date of such application.

(3) Failure of the corporation to comply in good faith with the provisions of this section shall make it liable for any damage sustained by any shareholder in consequence thereof.

40. N. J. S. 14A:7-18 is amended to read as follows:

14A:7-18 Cancellation of reacquired shares.

(1) When shares of a corporation are reacquired out of stated capital or by their conversion into other shares of the corporation, the reacquisition shall effect their cancellation. When shares of a corporation are otherwise reacquired by it, the corporation may retain them as treasury shares or may cancel them by resolution of the board. In all cases of cancellation, except that of converted shares, a statement of cancellation shall be filed as provided in subsection 14A:7-18(2). Upon their cancellation, reacquired

shares shall be restored to the status of authorized but unissued shares, unless the certificate of incorporation, or the plan of merger or consolidation in the case of shares acquired by the corporation pursuant to Chapter 11 of this act, provides that such shares shall not be reissued, in which case the filing of the statement of cancellation, pursuant to a resolution of the board, shall constitute an amendment to the certificate of incorporation and shall reduce the authorized number of shares by the number of shares so cancelled.

(2) The statement of cancellation shall be executed on behalf of the corporation and filed in the office of the Secretary of State not later than 30 days after the cancellation of the reacquired shares. The statement shall set forth:

(a) the name of the corporation;

(b) the number of shares cancelled, itemized by classes and series, and if cancelled shares were not reacquired out of stated capital or by their conversion into other shares of the corporation, the date of adoption of the resolution of the board cancelling such shares;

(c) the aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation;

(d) the amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation;

(e) if the certificate of incorporation, or the plan of merger or consolidation in the case of shares acquired by the corporation pursuant to Chapter 11 of this act, provides that the cancelled shares shall not be reissued

(i) that the certificate of incorporation is amended pursuant to a resolution of the board by decreasing the aggregate number of shares which the corporation is authorized to issue by the number of shares cancelled, and

(ii) the number of shares which the corporation has authority to issue, itemized by classes and series, after giving effect to such cancellation; and

(f) if shareholder approval is required by subsection 14A:7-18(3) for a reduction of the stated capital of the corporation, a statement of the date of approval by the shareholders, the number of shares entitled to vote thereon, and the number of shares voted for and against the reduction of the stated capital, respectively; and, if any class or series of shares is entitled to

vote thereon as a class, a separate statement of such facts for each class and series entitled to vote separately.

(3) Except as otherwise provided in this subsection, upon the cancellation of reacquired shares of any class or series the stated capital of the corporation shall be reduced by the amount represented by such shares before their cancellation. The stated capital represented by each share shall be deemed to be the amount of stated capital represented by all issued shares of such class or series, including the cancelled shares, divided by the total number of such issued shares. In the case of shares without par value for whose issue the consideration was fixed by the shareholders, as provided in subsection 14A:7-4(2), if such shares are not redeemable and are not preferred over the shares of any other class or series in the payment of dividends or in the distribution of assets upon liquidation and have not been reacquired for any of the purposes set forth in subsection 14A:7-16(2), their cancellation shall cause a reduction of the stated capital only to the extent, if any, that the stated capital represented by such shares exceeded the minimum amount required, as provided in subsection 14A:7-8(2), unless such further reduction has been approved by a vote of the shareholders or is authorized by the certificate of incorporation. This subsection shall not be applicable to converted shares.

(4) A statement of cancellation of converted shares shall be filed only if the certificate of incorporation provides that such shares shall not be reissued. The statement of cancellation shall set forth the information required by paragraphs 14A:7-18(2) (a), (b), (c) and (e) and shall be filed not later than 60 days after the close of the fiscal year in which the shares were reacquired.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

41. N. J. S. 14A:7-19 is amended to read as follows:

14A:7-19 Reduction of stated capital by board action.

(1) Unless otherwise provided in the certificate of incorporation and subject to the provisions of subsections 14A:7-19(3), 14A:7-19(4) and 14A:7-19(5), a reduction of stated capital of a corporation, where such reduction does not require an amendment of the certificate of incorporation and is not accompanied by a cancellation of shares, may be made by resolution of the board setting forth

the amount of the proposed reduction, the manner in which the reduction shall be effected and the date upon which the reduction shall become effective.

(2) A statement of such reduction shall be executed on behalf of the corporation and filed in the office of the Secretary of State not later than 30 days after the effective date of the reduction. Such statement shall set forth

(a) the name of the corporation;

(b) a statement of the amount of the reduction, the manner in which such reduction is effected, and the amount, expressed in dollars, of stated capital of the corporation after giving effect to such reduction; and

(c) if shareholder approval is required for a reduction of the stated capital of the corporation, a statement of the date of approval by the shareholders, the number of shares entitled to vote thereon, and the number of shares voted for and against the reduction of the stated capital, respectively; and, if any class or series of shares is entitled to vote thereon as a class, a separate statement of such facts for each class and series entitled to vote separately.

(3) Unless the certificate of incorporation otherwise provides, the board shall have discretion to reduce the stated capital of shares under this section without regard to the aggregate amount of the preferences of issued shares in the assets of the corporation upon liquidation, provided that stated capital after such reduction shall not be less than the aggregate amount of the par value of all issued shares with par value.

(4) If the consideration for the issue of shares without par value was fixed by the shareholders under subsection 14A:7-4(2), the board shall not reduce the stated capital represented by such shares except to the extent, if any, that the board was authorized by the shareholders to allocate a portion of such consideration to surplus, as provided in subsection 14A:7-8(2), unless such further reduction has been approved by a vote of the shareholders or is authorized by the certificate of incorporation.

(5) Stated capital which remains in existence, because of the applicability of the third sentence of subsection 14A:7-18 (3), after the cancellation of the shares which formerly represented it, shall not be reduced by the board unless such reduction has been approved by a vote of the shareholders or is authorized by the certificate of incorporation.

42. N. J. S. 14A:8-1 is amended to read as follows:

Employee benefit plans.

14A:8-1. Employee benefit plans.

(1) A corporation may, in the manner prescribed in section 14A:8-2, establish and carry out wholly or partly at its expense, any one or more of the following plans for the benefit of some or all employees, as hereinafter defined, and their families, dependents or beneficiaries

(a) plans providing for the sale or distribution of its shares of any class or series, held by it or issued or purchased by it for the purpose, including stock option, stock purchase, stock bonus, profit-sharing, savings, pension, retirement, deferred compensation and other plans of similar nature, whether or not such plans also provide for the distribution of cash or property other than its shares;

(b) plans providing for payments solely in cash or property other than shares of the corporation, including profit-sharing, bonus, savings, pension, retirement, deferred compensation and other plans of similar nature; and

(c) plans for the furnishing of medical services; life, sickness, accident, disability or unemployment insurance or benefits; education; housing; social and recreational services; and other similar aids and services.

(2) The term "employees" as used in this Chapter means employees, officers, directors, and agents of the corporation or any subsidiary thereof, or other persons who are or have been actively engaged in the conduct of the business of the corporation or any subsidiary thereof, including any who have retired, become disabled or died prior to the establishment of any plan heretofore or hereafter adopted.

43. Section 12 of P. L. 1969, c. 102 (C. 14A:8-1.1) is amended to read as follows:

C. 14A:8-1.1 Continuance or amendment of benefit plan.

12. A corporation which on January 1, 1969 was lawfully carrying out or participating in a plan of a type described in New Jersey Statute 14A:8-1 may continue to do so, but any amendment shall require shareholder approval to the same extent as if such plan had been originally established in accordance with the requirements of Chapter 8 of the New Jersey Business Corporation Act.

44. N. J. S. 14A:8-2 is amended to read as follows:

14A:8-2 Formulation of plans; submission to shareholders in certain instances.

The board alone, by affirmative vote of a majority of directors in office, may adopt any plan described in section 14A:8-1 and may include such provisions therein as the board may deem advisable; provided that the approval of the shareholders shall be required for the adoption of any plan which permits the use or issuance of treasury shares or authorized but unissued shares, and shall also be required for the adoption of any other plan if the certificate of incorporation or the by-laws so provide. Nothing herein or in subsection 14A:7-7(2) shall be deemed to require shareholder approval for the issuance by a corporation of share options or rights in substitution for outstanding options or rights issued by another corporation prior to its merger or consolidation with, or the acquisition of its shares or assets by, the corporation issuing such substituted options or rights or its subsidiary.

45. N. J. S. 14A:8-3 is amended to read as follows:

14A:8-3 Terms of plan; issuance of certificates.

Every plan described in section 14A:8-1 providing for the sale or distribution of shares shall specify the maximum number of shares, subject to adjustment in the event of changes in the capital structure of the corporation, which may be sold or distributed thereunder, and shall include, or shall authorize the board or a committee thereof to fix, the terms and conditions upon which shares are to be sold or distributed or options to purchase shares are to be issued, such as, but without limitation thereto, any restrictions on the number of shares that eligible individuals may have the right to purchase or receive, the method of administering the plan, the terms and conditions of payment for shares in full or in installments, the issue of certificates for shares to be paid for in installments, any limitations upon the transferability of such shares and the voting and dividend rights to which the holders of such shares may be entitled, though the full amount of the consideration therefor has not been paid; provided that, except as permitted by section 14A:6-11, no certificate for shares shall be delivered under the plan, prior to full payment in cash, property or services therefor, unless the fact that the shares are partly paid for is noted conspicuously on the face of such certificate, or such certificate is deposited with a trustee to be held pursuant to the terms of a plan or an appropriate agreement.

46. N. J. S. 14A:8-4 is amended to read as follows:

14A:8-4 Amendment or termination of plans.

(1) Unless otherwise provided in the plan, the board may amend or terminate any plan described in section 14A:8-1 heretofore or hereafter adopted, provided that

(a) any amendment made by the board to a plan which was approved by the shareholders in accordance with section 14A:8-2 shall be submitted to the shareholders for approval, unless the board shall have determined that such amendment will not result in a material increase in the cost of the plan to the corporation; and

(b) any amendment made by the board to a plan which, under section 14A:8-2, did not initially require shareholder approval, shall require shareholder approval, if the effect of such amendment is to include in the plan a provision, which if originally included in the plan, would have required shareholder approval of the plan.

(2) No amendment or termination of any such plan, whether made by the board alone or by the board with the approval of the shareholders, shall impair any rights which have accrued under the plan or deprive any employee or beneficiary of the employee of the equivalent in cash or other benefits of the contributions of the employee under the plan.

47. N. J. S. 14A:9-2 is amended to read as follows:

14A:9-2 Procedure to amend certificate of incorporation.

(1) Before the organization meeting of the board, the incorporators may amend the certificate of incorporation by complying with subsection 14A:9-4(1).

(2) Amendment of the certificate of incorporation by action of the board is provided for in subsection 14A:4-3(1), subsection 14A:5-21(4), subsection 14A:7-2(4), subsection 14A:7-6(4), subsection 14A:7-9(4), subsection 14A:7-15.1(3), and subsections 14A:7-18(1) and 14A:7-18(4). Amendment of the certificate of incorporation by action of the registered agent to change the registered office is provided for in subsection 14A:4-3(3).

(3) An amendment of the certificate of incorporation pursuant to a plan of merger may be made in the manner provided in Chapter 10 of this act.

(4) All other amendments of the certificate of incorporation shall be made in the following manner:

(a) The board shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the shareholders.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder 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 shareholders.

(c) At such meeting a vote of shareholders 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 by the holders of shares entitled to vote thereon and, in addition, if any class or series of shares is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the proposed amendment shall be adopted upon receiving the affirmative vote of two-thirds of the votes so cast. The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments, or as may be provided in the certificate of incorporation.

(d) Subject to the provisions of section 14A:5-12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in paragraph 14A:9-2(4) (c) by amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(e) Any number of amendments may be acted upon at one meeting.

(f) Upon adoption, a certificate of amendment shall be filed in the office of the Secretary of State as provided in section 14A:9-4.

48. N. J. S. 14A:9-4 is amended to read as follows:

14A:9-4 Certificate of amendment.

(1) If the amendment is made as provided by subsection 14A:9-2(1), a certificate of amendment shall, subject to subsection 14A:2-6(3), be signed by all the incorporators, shall set forth the

name of the corporation and the amendment so adopted, and shall recite that the amendment is made by unanimous consent of the incorporators before the organization meeting of the directors.

(2) If the amendment is made by the board as referred to in subsection 14A:9-2(2), a certificate of amendment shall be executed on behalf of the corporation. The certificate shall set forth the information required by the section of this act which empowers the board to make the amendment.

(3) If the amendment is made as provided by subsection 14A:9-2(4), a certificate of amendment shall be executed on behalf of the corporation and shall set forth

- (a) the name of the corporation;
- (b) the amendment so adopted;
- (c) the date of the adoption of the amendment by the shareholders;
- (d) the number of shares entitled to vote thereon, and if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each such class or series;
- (e) the number of shares voted for and against such amendment, respectively, and if the shares of any class or series are entitled to vote thereon as a class, the number of shares of each such class and series voted for and against such amendment, respectively;
- (f) if such amendment is intended to provide for an exchange, reclassification or cancellation of issued shares, a statement of the manner in which the same shall be effected; and
- (g) if, pursuant to subsection 14A:9-4(5), the amendment is to become effective at a time subsequent to the time of filing, the date when the amendment is to become effective.

(4) If such amendment is accompanied by a reduction of stated capital, the corporation may also include in the certificate, at its discretion, in lieu of a statement of reduction under section 14A:7-19, a statement of the amount of the reduction, the manner in which the reduction is effected, and the amount, expressed in dollars, of stated capital of the corporation after giving effect to the reduction.

(5) Each certificate of amendment of the certificate of incorporation shall be filed in the office of the Secretary of State and

the amendment shall become effective upon the date of filing or at such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. If the certificate of amendment includes a statement provided for in subsection 14A:9-4(4), the stated capital shall be reduced when the amendment becomes effective.

49. N. J. S. 14A:9-5 is amended to read as follows:

14A:9-5 Restated certificate of incorporation.

(1) A corporation may restate and integrate in a single certificate the provisions of its certificate of incorporation as theretofore amended, including any provision effected by a merger or consolidation and any further amendments as may be adopted concurrently with the restated certificate.

(2) If the proposed restated certificate merely restates and integrates, but does not substantively amend the certificate of incorporation as theretofore amended, it may be adopted by the board.

(3) If the proposed restated certificate restates and integrates and also substantively amends the certificate of incorporation as theretofore amended, such restated certificate shall be adopted in the following manner:

(a) the board shall approve the proposed restated certificate and direct that it be submitted to a vote at a meeting of the shareholders;

(b) written notice setting forth the proposed restated certificate shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of such meeting;

(c) at such meeting a vote of shareholders entitled to vote thereon shall be taken on the proposed restated certificate. The proposed restated certificate shall be adopted upon receiving a number of votes sufficient to adopt an amendment to the corporation's certificate of incorporation. The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(4) The restated certificate shall recite that it is a restated certificate and shall contain all such provisions as are required in an original certificate of incorporation filed at the time the restated certificate is filed, except that

(a) it shall state the address of the corporation's then current registered office, and the name of its then current registered agent, and it shall also state the number, names and addresses of the directors constituting its then current board;

(b) it need not include statements as to the incorporator or incorporators or as to the first directors or the first registered office and registered agent;

(c) if, pursuant to subsection 14A:9-5(6), the restated certificate is to become effective subsequent to the time of filing, it shall state the date when it is to become effective.

(5) The restated certificate shall be executed on behalf of the corporation, and shall be filed in the office of the Secretary of State. There shall be attached to it and filed therewith a certificate executed on behalf of the corporation and setting forth

(a) the name of the corporation;

(b) the date such restated certificate was adopted; and

(c) if the restated certificate was adopted by the shareholders, it shall also set forth

(i) the number of shares entitled to vote thereon, and, if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each such class and series;

(ii) the number of shares voted for and against such adoption, and, if the shares of any class or series are entitled to vote thereon as a class, the number of shares of each such class and series voted for and against such adoption; and

(iii) if any amendment of the certificate of incorporation made by such restated certificate is intended to provide for an exchange, reclassification, or cancellation of issued shares, a statement of the manner in which the same shall be effected.

(6) The restated certificate shall become effective upon the date of filing with the Secretary of State or at such later time, not to exceed 30 days from the date of filing, as may be set forth therein. A restated certificate adopted in the manner prescribed herein, whether by action of the board alone pursuant to subsection 14A:9-5(2) or by action of the board and the shareholders pursuant to subsection 14A:9-5(3), shall supersede for all purposes the original certificate of incorporation and all amendments thereto made prior to the adoption of such restated certificate, and such restated certificate may be separately certified as the certificate of incorporation.

50. N. J. S. 14A:9-6 is amended to read as follows:

14A:9-6 Abandonment of amendment or restated certificate.

Prior to the effective date of an amendment of the certificate of incorporation or of a restated certificate for which shareholder approval is required under the provisions of this act, such amendment or such restated certificate may be abandoned pursuant to provisions therefor, if any, set forth in the resolution of the shareholders approving such amendment or such restated certificate or in any resolution subsequently adopted by the shareholders. If a certificate of amendment or a restated certificate has been filed in the office of the Secretary of State prior to such abandonment, a certificate of abandonment shall be filed in the office of the Secretary of State. The certificate shall state that the amendment or the restated certificate has been abandoned in accordance with the provisions therefor set forth in the resolution of the shareholders.

51. N. J. S. 14A:10-1 is amended to read as follows:

14A:10-1 Procedure for merger.

(1) Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this act.

(2) The board of each corporation shall approve a plan of merger setting forth

(a) the names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation;

(b) the terms and conditions of the proposed merger, including a statement of any amendments in the certificate of incorporation of the surviving corporation to be effected by such merger;

(c) the manner and basis of converting the shares of each corporation into shares, obligations, or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property; and

(d) such other provisions with respect to the proposed merger as are deemed necessary or desirable.

52. N. J. S. 14A:10-2 is amended to read as follows:

14A:10-2 Procedure for consolidation.

(1) Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this act.

(2) The board of each corporation shall approve a plan of consolidation setting forth

(a) the names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation;

(b) the terms and conditions of the proposed consolidation;

(c) the manner and basis of converting the shares of each corporation into shares, obligations or other securities of the new corporation, or of any other corporation or, in whole or in part, into cash or other property;

(d) with respect to the new corporation, all of the statements required to be set forth in the certificate of incorporation for corporations organized under this act, except that it shall not be necessary to set forth the name and address of each incorporator; and

(e) such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

53. N. J. S. 14A:10-3 is amended to read as follows:

14A:10-3 Approval by shareholders.

(1) The board of each corporation, upon approving such plan of merger or plan of consolidation, shall direct that the plan be submitted to a vote at a meeting of shareholders. Written notice shall be given not less than 20 nor more than 60 days before such meeting to each shareholder of record, whether or not entitled to vote at such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(a) a copy or a summary of the plan of merger or consolidation; and

(b) a statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply in order to assert and enforce such right.

(2) At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. Such plan shall be approved upon receiving the affirmative vote of a majority

of the votes cast by the holders of shares of each such corporation entitled to vote thereon, and, in addition, if any class or series is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the plan of merger or consolidation shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast. Any class or series of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to the certificate of incorporation, would entitle such class or series of shares to vote as a class unless such provision is one which could be adopted by the board without shareholder approval as referred to in subsection 14A:9-2(2). The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(3) Subject to the provisions of section 14A:5-12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in subsection 14A:10-3(2) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(4) Notwithstanding the provisions set forth in subsections 14A:10-3(1) and 14A:10-3(2), the approval of the shareholders of a surviving corporation shall not be required to authorize a merger unless its certificate of incorporation otherwise provides if

(a) the plan of merger does not make an amendment of the certificate of incorporation of the surviving corporation which is required by the provisions of this act to be approved by the shareholders; and

(b) either (i) no shares of common stock of the surviving corporation and no securities convertible into such common shares are to be issued or delivered under the plan of merger or (ii) the number of common shares of the surviving corporation to be issued or delivered under such plan, plus those initially issuable upon conversion of any other securities to be issued or delivered under such plan, does not exceed 20% of the following: the number of common shares of the surviving corporation outstanding immediately prior to the merger becoming effective plus the number of such common shares, if any, initially issuable upon conversion of any other securities then outstanding.

54. N. J. S. 14A:10-4 is amended to read as follows :

14A:10-4 Certificate of merger or consolidation.

(1) After approval of the plan of merger or consolidation, a certificate of merger or a certificate of consolidation shall be executed on behalf of each corporation. The certificate shall set forth

(a) the plan of merger or the plan of consolidation;

(b) as to each corporation whose shareholders are entitled to vote, the number of shares entitled to vote thereon, and, if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each such class or series;

(c) as to each corporation whose shareholders are entitled to vote, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class or series voted for and against such plan, respectively; and

(d) in the case of a merger governed by subsection 14A:10-3 (4), that the plan of merger was approved by the board of directors of the surviving corporation and that no vote of the shareholders of the surviving corporation was required because of the applicability of said subsection; and

(e) if, pursuant to subsection 14A:10-4(2), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

(2) The executed original and a copy of the certificate shall be filed in the office of the Secretary of State and the merger or consolidation shall become effective upon the date of such filing or at such later time, not to exceed 30 days after the date of filing, as may be set forth in the certificate. The Secretary of State shall upon filing forward the copy of the certificate to the Director of the Division of Taxation.

55. N. J. S. 14A:10-5 is amended to read as follows :

14A:10-5 Merger of subsidiary corporation.

(1) Any domestic corporation owning at least 90% of the outstanding shares of each class and series of another domestic corporation or corporations, may merge such other corporation or corporations into itself, or may merge itself, or itself and any such subsidiary corporation or corporations, into any such subsidiary

corporation, without approval of the shareholders of any of the corporations, except as provided in subsections 14A:10-5(5) and 14A:10-5(6). The board of the parent corporation shall approve a plan of merger setting forth those matters required to be set forth in plans of merger under section 14A:10-1. Approval by the board of any such subsidiary corporation shall not be required.

(2) If the parent corporation owns less than 100% of the outstanding shares of each subsidiary corporation, it shall mail to each minority shareholder of record of each subsidiary corporation, unless waived in writing, a copy or a summary of the plan of merger. The parent corporation shall also mail to each shareholder who, under Chapter 11 of this act, is entitled to dissent, a statement informing such shareholder that he has the right to dissent and to be paid the fair value of his shares, and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which he must comply in order to assert and enforce such right.

(3) A certificate of merger shall be executed on behalf of the parent corporation. The certificate shall set forth

(a) the plan of merger;

(b) the number of outstanding shares of each class and series of each subsidiary corporation which is a party to the merger and the number of such shares of each class and series owned by the parent corporation;

(c) if the parent corporation owns less than 100% of the outstanding shares of each subsidiary corporation, the date of the mailing of a copy or a summary of the plan of merger to minority shareholders of each subsidiary corporation; or if all such shareholders have waived such mailing in writing, a statement that such waiver has been obtained;

(d) if approval of the shareholders of the parent corporation is required by subsection 14A:10-5(6), the information as to such corporation required by paragraphs 14A:10-4(1) (b) and 14A:10-4(1) (c); and

(e) if, pursuant to subsection 14A:10-5(4), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

(4) The executed original and a copy of the certificate shall be filed in the office of the Secretary of State and the merger shall become effective upon the date of such filing or at such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. The Secretary of State shall upon filing forward the copy of the certificate to the Director of the Division of Taxation.

(5) Approval of the shareholders of any such subsidiary corporation shall be obtained pursuant to its certificate of incorporation, if such certificate requires approval of a merger by the affirmative vote of the holders of more than the percentage of the shares of any class or series of such corporation then owned by the parent corporation.

(6) Approval of the shareholders of the parent corporation shall be obtained:

(a) whenever its certificate of incorporation requires shareholder approval of such a merger; or

(b) pursuant to section 14A:10-3 where

(i) the plan of merger contains a provision which would change any part of the certificate of incorporation of the parent corporation into which a subsidiary corporation is being merged, unless such change is one that can be made by the board without shareholder approval as referred to in subsection 14A:9-2(2); or

(ii) a subsidiary corporation is to be the surviving corporation.

(7) The grant of the power to merge under this section shall not preclude the effectuation of any merger as elsewhere provided in this Chapter.

56. N. J. S. 14A:10-7 is amended to read as follows:

14A:10-7 Merger or consolidation of domestic and foreign corporations.

(1) One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner:

(a) Each domestic corporation shall comply with the provisions of this act with respect to the merger or consolidation of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the jurisdiction under which it is organized.

(b) The certificate of merger or consolidation required by section 14A:10-4 shall be executed on behalf of each domestic corporation and each foreign corporation and, in addition to the information required by subsection 14A:10-4(1), shall set forth that the applicable provisions of the laws of the jurisdiction under which each foreign corporation was organized have been, or upon compliance with filing and recording requirements will have been, complied with.

(c) If the surviving or new corporation is to be a foreign corporation and is to transact business in this State, it shall comply with the provisions of this act with respect to foreign corporations, and, whether or not it is to transact business in this State, the certificate of merger or consolidation required by section 14A:10-4 shall, in addition to other required information, set forth

(i) an agreement by such foreign corporation that it may be served with process in this State in any proceeding for the enforcement of any obligation of any domestic corporation or any foreign corporation, previously amenable to suit in this State, which is a party to such merger or consolidation, and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation; and

(ii) an irrevocable appointment by such foreign corporation of the Secretary of State of this State as its agent to accept service of process in any such proceeding, and the post office address, within or without this State, to which the Secretary of State shall mail a copy of the process in such proceeding;

(iii) an agreement by such foreign corporation that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this act with respect to the rights of dissenting shareholders.

(2) The provisions of subsection 14A:10-3(4) shall apply to a merger in which the surviving corporation is a domestic corporation.

(3) If the surviving or new corporation is a domestic corporation, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations. If the surviving or new corporation is a foreign corporation, the effect of such merger or consolidation shall be the same as in the

case of the merger or consolidation of domestic corporations except insofar as the laws of the jurisdiction of incorporation of such foreign corporation shall provide otherwise.

(4) One or more foreign corporations and one or more domestic corporations may be merged in the manner provided in section 14A:10-5, provided that, if the parent corporation is a foreign corporation, it shall, notwithstanding the provisions of the laws of its jurisdiction of incorporation, comply with the provisions of subsection 14A:10-5(2) with respect to notice to shareholders of any domestic subsidiary corporation which is a party to the merger.

57. N. J. S. 14A:10-9 is amended to read as follows:

14A:10-9 Acquisition of all the shares, or a class or series of shares, of a corporation.

(1) Subject to the limitations imposed by any other statute of this State, any domestic corporation may, in the manner provided by this section, acquire, in exchange for its shares, all the shares, or all the shares of any class or series, of any other corporation organized under any statute of this State.

(2) Such acquiring corporation shall submit by first-class mail to all holders of the shares to be acquired a written offer which shall

(a) specify the shares to which such offer relates;

(b) prescribe the terms and conditions of such offer, including the method of acceptance thereof and the manner of exchanging such shares;

(c) contain a statement summarizing the rights of such shareholders as provided in paragraph 14A:10-9(3) (b).

Any such offer may provide for the payment of cash in lieu of the issuance of fractional shares of the acquiring corporation.

(3) If, within 120 days after the date of such mailing, the offer is accepted by the holders of not less than 90% of the shares of each class and series to which the offer relates, other than shares already held at the date of mailing by, or by a nominee for, the acquiring corporation or any subsidiary thereof, the acquiring corporation shall, within 60 days after such acceptance:

(a) execute and file a certificate in the office of the Secretary of State setting forth such acceptance; and

(b) give written notice of such acceptance, by registered or certified mail, return receipt requested, to each holder of such

shares to which the offer relates, who has not accepted the offer. Such notice shall include, or be accompanied by, a statement

(i) that such shareholders may elect either to accept the offer or to dissent therefrom and be paid the fair value of their shares provided that they file with the acquiring corporation, not later than 20 days after the mailing of such written notice, a written demand for the fair value of their shares as required by subsection 14A:11-2(5), and otherwise comply with the procedures set forth in Chapter 11 of this act;

(ii) outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply; and

(iii) that if such shareholders do not make written demand for the payment of the fair value of their shares within said 20-day period, they shall be deemed to have accepted the offer.

(4) Upon the filing of such certificate in the office of the Secretary of State as required by paragraph 14A:10-9(3) (a)

(a) the acquiring corporation shall cause to be issued to the holders of shares who have accepted or who are deemed to have accepted such offer pursuant to the provisions of paragraph 14A:10-9(3) (b) certificates for shares of the acquiring corporation to which they respectively are entitled;

(b) all shares in exchange for which shares of the acquiring corporation are so issued shall become the property of the acquiring corporation, irrespective of whether the certificates for such shares have been surrendered for exchange, and the acquiring corporation shall be entitled to have new certificates registered in its name as the holder thereof; and

(c) the acquiring corporation, or a corporate fiduciary designated by it, shall hold in trust, for delivery to the persons entitled thereto, certificates for its shares registered in the names of any holders, other than shares of dissenting shareholders, who have not surrendered their shares for exchange in accordance with the offer, and shall hold in trust, for payment to the persons entitled thereto, any cash payable in lieu of fractional shares.

(5) This section shall not be construed to prevent a corporation from making an offer to purchase the shares of another corpora-

tion conditioned upon the acceptance of holders of less than 90% of the shares to which such offer relates. Such an offer may be joined as an alternate offer with an offer made pursuant to this section; but in no case shall the acquiring corporation have the right to avail itself of the provisions of this section unless the holders of the percentage of shares to which the offer relates required by subsection 14A:10-9(3) shall accept the offer within the time period required by subsection 14A:10-9(3).

(6) Whenever a corporation whose capital stock is acquired pursuant to this section is a stock insurance company organized under any law of this State (hereinafter called the insurance subsidiary),

(a) the acquiring corporation shall furnish to the Commissioner of Banking and Insurance such information as he may, from time to time, reasonably request in respect to the honesty and trustworthiness of its directors and officers, and

(b) upon a finding by the Commissioner of Banking and Insurance that the acquiring corporation has failed or refused to take such steps as may be necessary to remove from office any of the directors or officers referred to in paragraph 14A:10-9(6)

(a) hereof whom the commissioner, after hearing upon notice to such acquiring corporation and such officer or director, has found to be a dishonest or untrustworthy person, the commissioner may forthwith take possession of the property and business of the insurance subsidiary as provided in chapter 30 of Title 17 of the Revised Statutes, and

(c) upon a finding by the Commissioner of Banking and Insurance that access to specified books and records of the acquiring corporation which relate to the condition and affairs of the insurance subsidiary is necessary to the discharge of his regulatory duties with respect to such subsidiary under Title 17 of the Revised Statutes, the commissioner may have access to the books and records which he has so specified and the acquiring corporation shall answer any inquiry by him which is pertinent thereto.

58. N. J. S. 14A:10-11 is amended to read as follows:

14A:10-11 Sale or other disposition of assets other than in regular course of business.

(1) A sale, lease, exchange, or other disposition of all, or substantially all, the assets of a corporation, if not in the usual and regular course of its business as conducted by such corporation,

may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board shall recommend such sale, lease, exchange, or other disposition and direct that it be submitted to a vote at a meeting of shareholders.

(b) Written notice shall be given not less than 20 nor more than 60 days before such meeting to each shareholder of record, whether or not entitled to vote at such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(i) a statement summarizing the principal terms of the proposed transaction; and

(ii) a statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply in order to assert and enforce such right.

(c) At such meeting the shareholders may approve such sale, lease, exchange, or other disposition and may fix, or may authorize the board to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such sale, lease, exchange or other disposition shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares entitled to vote thereon, and, in addition, if any class or series of shares is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the sale, lease, exchange, or other disposition shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast.

(d) Subject to the provisions of section 14A:5-12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in paragraph 14A:10-11(1) (c) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(2) Notwithstanding such approval or authorization by the shareholders, the board may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action by the shareholders.

(3) The sale, lease, exchange, or other disposition of all, or substantially all, the assets of one or more subsidiaries of a corporation, if not in the usual and regular course of business as conducted by such subsidiary or subsidiaries, shall be treated as a disposition within the meaning of subsection 14A:10-11(1) if the subsidiary or subsidiaries constitute all, or substantially all, the assets of the corporation.

59. N. J. S. 14A:10-12 is added as follows:

14A:10-12 Shareholders' rights on other corporate acquisitions.

Shareholders of a corporation which proposes to acquire, directly or through a subsidiary, in exchange for its shares, obligations or other securities, some or all of the outstanding shares of another corporation, or some or all of the assets of a corporation, a business trust, a business proprietorship or a business partnership, shall have the same rights, if any, as they would if they were shareholders of a surviving corporation in a merger

(a) to notice of the proposed acquisition;

(b) to vote on the proposed acquisition; and

(c) to dissent from the proposed acquisition and be paid the fair value of their shares

if (i) the securities to be issued or delivered pursuant to such acquisition are, or may be converted into, shares of the acquiring corporation's common stock and (ii) the number of the acquiring corporation's common shares to be issued or delivered, plus those initially issuable upon conversion or exchange of any other securities to be issued or delivered, will exceed 40 percent of the following: the number of its common shares outstanding immediately prior to the acquisition becoming effective plus the number of its common shares, if any, initially issuable upon conversion or exchange of any other securities then outstanding.

60. N. J. S. 14A:11-1 is amended to read as follows:

14A:11-1 Right of shareholders to dissent.

(1) Any shareholder of a domestic corporation shall have the right to dissent from any of the following corporate actions

(a) any plan of merger or consolidation to which the corporation is a party, provided that, unless the certificate of incorporation otherwise provides

(i) a shareholder shall not have the right to dissent from any plan of merger or consolidation with respect to shares

(A) of a class or series which is listed on a national securities exchange or is held of record by not less than 1,000 holders on the record date fixed to determine the shareholders entitled to vote upon the plan of merger or consolidation; or

(B) for which, pursuant to the plan of merger or consolidation, he will receive (x) cash, (y) shares, obligations or other securities which, upon consummation of the merger or consolidation, will either be listed on a national securities exchange or held of record by not less than 1,000 holders, or (z) cash and such securities;

(ii) a shareholder of a surviving corporation shall not have the right to dissent from a plan of merger, if the merger did not require for its approval the vote of such shareholders as provided in section 14A:10-5 or in subsections 14A:10-3(4), 14A:10-7(2) or 14A:10-7(4); or

(b) any sale, lease, exchange or other disposition of all or substantially all of the assets of a corporation not in the usual or regular course of business as conducted by such corporation, provided that, unless the certificate of incorporation otherwise provides, the shareholder shall not have the right to dissent

(i) with respect to shares of a class or series which, at the record date fixed to determine the shareholders entitled to vote upon such transaction, is listed on a national securities exchange or is held of record by not less than 1,000 holders; or

(ii) from a transaction pursuant to a plan of dissolution of the corporation which provides for distribution of substantially all of its net assets to shareholders in accordance with their respective interests within 1 year after the date of such transaction, where such transaction is wholly for

(A) cash; or

(B) shares, obligations or other securities which, upon consummation or the plan of dissolution will either be listed on a national securities exchange or held of record by not less than 1,000 holders; or

(C) cash and such securities; or
(iii) from a sale pursuant to an order of a court having jurisdiction.

(2) Any shareholder of a domestic corporation shall have the right to dissent with respect to any shares owned by him which are to be acquired pursuant to section 14A:10-9.

(3) A shareholder may not dissent as to less than all of the shares owned beneficially by him and with respect to which a right of dissent exists. A nominee or fiduciary may not dissent on behalf of any beneficial owner as to less than all of the shares of such owner with respect to which the right of dissent exists.

(4) A corporation may provide in its certificate of incorporation that holders of all its shares, or of a particular class or series thereof, shall have the right to dissent from specified corporate actions in addition to those enumerated in subsection 14A:11-1(1), in which case the exercise of such right of dissent shall be governed by the provisions of this Chapter.

61. N. J. S. 14A:11-2 is amended to read as follows:

14A:11-2 Notice of dissent; demand for payment; endorsement of certificates.

(1) Whenever a vote is to be taken, either at a meeting of shareholders or upon written consents in lieu of a meeting pursuant to section 14A:5-6, upon a proposed corporate action from which a shareholder may dissent under section 14A:11-1, any shareholder electing to dissent from such action shall file with the corporation before the taking of the vote of the shareholders on such corporate action, or within the time specified in paragraphs 14A:5-6(2)(b) or 14A:5-6(2)(c), as the case may be, if no meeting of shareholders is to be held, a written notice of such dissent stating that he intends to demand payment for his shares if the action is taken.

(2) Within 10 days after the date on which such corporate action takes effect, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, shall give written notice of the effective date of such corporate action, by certified mail to each shareholder who filed written notice of dissent pursuant to subsection 14A:11-2(1), except any who voted for or consented in writing to the proposed action.

(3) Within 20 days after the mailing of such notice, any shareholder to whom the corporation was required to give such notice and who has filed a written notice of dissent pursuant to this section may make written demand on the corporation, or, in the case of a

merger or consolidation, on the surviving or new corporation, for the payment of the fair value of his shares.

(4) Whenever a corporation is to be merged pursuant to section 14A:10-5 or subsection 14A:10-7(4) and shareholder approval is not required under subsections 14A:10-5(5) and 14A:10-5(6), a shareholder who has the right to dissent pursuant to section 14A:11-1 may, not later than 20 days after a copy or summary of the plan of such merger and the statement required by subsection 14A:10-5(2) is mailed to such shareholder, make written demand on the corporation or on the surviving corporation, for the payment of the fair value of his shares.

(5) Whenever all the shares, or all the shares of a class or series, are to be acquired by another corporation pursuant to section 14A:10-9, a shareholder of the corporation whose shares are to be acquired may, not later than 20 days after the mailing of notice by the acquiring corporation pursuant to paragraph 14A:10-9(3)(b), make written demand on the acquiring corporation for the payment of the fair value of his shares.

(6) Not later than 20 days after demanding payment for his shares pursuant to this section, the shareholder shall submit the certificate or certificates representing his shares to the corporation upon which such demand has been made for notation thereon that such demand has been made, whereupon such certificate or certificates shall be returned to him. If shares represented by a certificate on which notation has been made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making a demand for payment of the fair value thereof.

(7) Every notice or other communication required to be given or made by a corporation to any shareholder pursuant to this Chapter shall inform such shareholder of all dates prior to which action must be taken by such shareholder in order to perfect his rights as a dissenting shareholder under this Chapter.

62. N. J. S. 14A:11-3 is amended to read as follows:

14A:11-3 "Dissenting shareholder" defined; date for determination of fair value.

(1) A shareholder who has made demand for the payment of his shares in the manner prescribed by subsections 14A:11-2(3),

14A:11-2(4) or 14A:11-2(5) is hereafter in this Chapter referred to as a "dissenting shareholder".

(2) Upon making such demand, the dissenting shareholder shall cease to have any of the rights of a shareholder except the right to be paid the fair value of his shares and any other rights of a dissenting shareholder under this Chapter.

(3) "Fair value" as used in this Chapter shall be determined

(a) as of the day prior to the day of the meeting of shareholders at which the proposed action was approved or as of the day prior to the day specified by the corporation for the tabulation of consents to such action if no meeting of shareholders was held; or

(b) in the case of a merger pursuant to section 14A:10-5 or subsection 14A:10-7(4) in which shareholder approval is not required, as of the day prior to the day on which the board of directors approved the plan of merger; or

(c) in the case of an acquisition of all the shares or all the shares of a class or series by another corporation pursuant to section 14A:10-9, as of the day prior to the day on which the board of directors of the acquiring corporation authorized the acquisition, or, if a shareholder vote was taken pursuant to section 14A:10-12, as of the day provided in paragraph 14A:11-3(3) (a).

In all cases, "fair value" shall exclude any appreciation or depreciation resulting from the proposed action.

63. N. J. S. 14A:11-6 is amended to read as follows:

14A:11-6 Determination of fair value by agreement.

(1) Not later than 10 days after the expiration of the period within which shareholders may make written demand to be paid the fair value of their shares, the corporation upon which such demand has been made pursuant to subsections 14A:11-2(3), 14A:11-2(4) or 14A:11-2(5) shall mail to each dissenting shareholder the balance sheet and the surplus statement of the corporation whose shares he holds, as of the latest available date which shall not be earlier than 12 months prior to the making of such offer and a profit and loss statement or statements for not less than a 12-month period ended on the date of such balance sheet or, if the corporation was not in existence for such 12-month period, for the portion thereof during which it was in existence. The corporation may accompany such mailing with a written offer to pay

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each dissenting shareholder for his shares at a specified price deemed by such corporation to be the fair value thereof. Such offer shall be made at the same price per share to all dissenting shareholders of the same class, or, if divided into series, of the same series.

(2) If, not later than 30 days after the expiration of the 10-day period limited by subsection 14A:11-6(1), the fair value of the shares is agreed upon between any dissenting shareholder and the corporation, payment therefor shall be made upon surrender of the certificate or certificates representing such shares.

64. N. J. S. 14A:12-1 is amended to read as follows:

14A:12-1 Methods of dissolution.

(1) A corporation may be dissolved in any one of the following ways

(a) by the filing of a certificate of dissolution pursuant to section 14A:12-5.1 upon expiration of any period of duration stated in the corporation's certificate of incorporation;

(b) by action of the incorporators or directors pursuant to section 14A:12-2;

(c) by action of the shareholders pursuant to section 14A:12-3;

(d) by action of the board and the shareholders pursuant to section 14A:12-4;

(e) by action of a shareholder or shareholders pursuant to section 14A:12-5;

(f) by a judgment of the Superior Court in an action brought pursuant to sections 14A:12-6 or 14A:12-7, or otherwise;

(g) automatically by a proclamation of the Secretary of State repealing or revoking a certificate of incorporation for nonpayment of taxes.

(2) A corporation which has been dissolved in a proceeding pursuant to section 14A:12-6 or 14A:12-7, or which has been dissolved, or whose charter has been forfeited or revoked, for a cause or by a method not mentioned in this section, shall be subject to all the provisions of this chapter and of Chapter 14, to the extent that such provisions are compatible with a court directed dissolution, or with the statute or common law proceeding pursuant to which such dissolution, forfeiture or revocation is effected.

65. N. J. S. 14A:12-2 is amended to read as follows:

14A:12-2 Dissolution before commencing business.

(1) A corporation may be dissolved by action of its incorporators when there has been no organization meeting of the board, or by the board if there has been an organization meeting, provided that the corporation

- (a) has not commenced business;
- (b) has not issued any shares;
- (c) has no debts or other liabilities; and

(d) has received no payments on subscriptions for its shares, or, if it has received such payments, has returned them to those entitled thereto, less any part thereof disbursed for expenses.

(2) The dissolution of such a corporation shall be effected in the following manner: the sole incorporator or director, if there is only one, or both incorporators or directors, if there are only two, or a majority of the incorporators or directors, if there are more than two, shall execute and file in the office of the Secretary of State a certificate of dissolution stating

- (a) the name of the corporation;
- (b) the name of the registered agent of the corporation;
- (c) the location of the registered office of the corporation;
- (d) the names of the incorporators and directors constituting the first board;

(e) that the corporation has not commenced business and has issued no shares, and has no debts or other liabilities;

(f) that the corporation has received no payments or subscriptions to its shares, or, if it has received such payments, that it has returned them to those entitled thereto, less any part thereof disbursed for expenses; and

(g) that the sole incorporator or director, if there is only one, or both incorporators or directors, if there are only two, or a majority of the incorporators or directors, if there are more than two, has or have elected that the corporation be dissolved.

(3) Notwithstanding the provisions of sections 14A:2-2 and 14A:15-2, and section 12 of the "Corporation Business Tax Act (1945)" (P. L. 1945, c. 162), as amended and supplemented, and Chapter 50 of Title 54 of the Revised Statutes, as amended and supplemented,

(a) the Secretary of State shall accept for filing a certificate of dissolution pursuant to the provisions of this section

- (i) without payment of any filing fee; and

(ii) without the filing with him of the certificate of the Director of the Division of Taxation evidencing the payment, or provision for the payment, by the corporation of taxes, fees, penalties, and interest; and

(b) the name of the corporation shall be available immediately for corporate use upon the filing of a certificate of dissolution pursuant to the provisions of this section.

66. N. J. S. 14A:12-5.1 is added as follows:

14A:12-5.1 Dissolution upon expiration of period of duration.

(1) A corporation shall not be dissolved when the period of duration stated in its certificate of incorporation expires until a certificate of dissolution executed on its behalf has been filed in the office of the Secretary of State. Upon written demand to the corporation by any shareholder, a corporation whose duration has expired shall, within 60 days of such demand, file a certificate of dissolution in the office of the Secretary of State unless within such time it amends its certificate of incorporation to extend its duration, as provided in section 14A:9-1(2) (c).

(2) A certificate of dissolution filed pursuant to this section shall set forth

- (a) the name of the corporation;
- (b) the name of the registered agent of the corporation;
- (c) the location of the registered office of the corporation;
- (d) the names of the corporation's directors and officers; and
- (e) the fact that the corporation is dissolved because of expiration of the period of duration stated in its certificate of incorporation. (Added by L. 1973, c. 366, § 66.)

67. N. J. S. 14A:12-7 is amended to read as follows:

14A:12-7 Involuntary dissolution; other remedies.

(1) The Superior Court, in an action brought under this section, may appoint a custodian, appoint a provisional director, order a sale of the corporation's stock as provided below, or enter a judgment dissolving the corporation, upon proof that

- (a) the shareholders of the corporation are so divided in voting power that, for a period which includes the time when two consecutive annual meetings were or should have been held, they have failed to elect successors to directors whose terms have expired or would have expired upon the election and qualification of their successors; or

(b) the directors of the corporation, or the person or persons having the management authority otherwise in the board, if a provision in the corporation's certificate of incorporation contemplated by subsection 14A:5-21(2) is in effect, are unable to effect action on one or more substantial matters respecting the management of the corporation's affairs; or

(c) in the case of a corporation having 25 or less shareholders, the directors or those in control have acted fraudulently or illegally, mismanaged the corporation, or abused their authority as officers or directors or have acted oppressively or unfairly toward one or more minority shareholders in their capacities as shareholders, directors, officers, or employees.

(2) An action may be brought under this section by one or more directors or by one or more shareholders. In such action, in the case of appointment of a custodian or a provisional director, the court may proceed in a summary manner or otherwise.

(3) One or more provisional directors may be appointed if it appears to the court that such an appointment may be in the best interests of the corporation and its shareholders, notwithstanding any provisions in the corporation's by-laws, certificate of incorporation, or any resolutions adopted by the board or shareholders. A provisional director shall have all the rights and powers of a duly elected director of the corporation, including the right to notice of and to vote at meetings of directors, until such time as he shall be removed by order of the court or, unless otherwise ordered by the court, by a vote or written consent of a majority of the votes entitled to be cast by the holders of shares entitled to vote to elect directors.

(4) A custodian may be appointed if it appears to the court that such an appointment may be in the best interests of the corporation and its shareholders, notwithstanding any provisions in the corporation's by-laws, certificate of incorporation, or any resolutions adopted by the shareholders or the board. Subject to any limitations which the court imposes, a custodian shall be entitled to exercise all of the powers of the corporation's board and officers to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors, until such time as he shall be removed by order of the court or, unless otherwise ordered by the court, by the vote or written consent of a majority of the votes entitled to be cast by the holders of shares entitled to vote to elect directors. Such powers may be exercised directly or

through, or in conjunction with, the corporation's board or officers, in the discretion of the custodian or as the court may order. If so provided in the order appointing him, a custodian shall have the fact-determining powers of a receiver as provided in subsections 14A:14-5(e) and (f).

(5) Any custodian or provisional director shall be an impartial person who is neither a shareholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation.

(6) Any custodian or provisional director shall report from time to time to the court concerning the matter complained of, or the status of the deadlock, if any, and of the status of the corporation's business, as the court shall direct. In addition, he shall submit to the court, if so directed, his recommendations as to the appropriate disposition of the action. If, after the appointment of a custodian or provisional director, the court determines that a judgment of dissolution is in the best interests of the shareholders of the corporation, such a judgment shall be entered. The court may continue any custodian or provisional director in such office subsequent to the entry of a judgment of dissolution and until such time as the affairs of the corporation are wound up, or it may appoint such person or another as receiver, as provided in section 14A:12-15.

(7) In any proceeding under this section, the court shall allow reasonable compensation to the custodian or provisional director for his services and reimbursement or direct payment of his reasonable costs and expenses which amounts shall be paid by the corporation.

(8) Upon motion of the corporation or a holder or holders of 50 percent or more of the outstanding voting shares of the corporation, before or after the appointment of a custodian or provisional director, the court may order the sale by the plaintiff or plaintiffs of all shares of the corporation's stock held by them to either the corporation or the moving shareholders, whichever is specified in the motion, if the court determines in its discretion that such an order would be fair and equitable to all parties under all of the circumstances of the case.

(a) The purchase price of any shares so sold shall be their fair value as of the date of the commencement of the action or such earlier or later date deemed equitable by the court, plus or minus any adjustments deemed equitable by the court if the action was brought in whole or in part under paragraph 14A:12-7(1)(c).

(b) Within five days after the entry of any such order, the corporation shall provide each selling shareholder with the information it is required to provide a dissenting shareholder under section 14A:11-6, and within 10 days after entry of the order the purchasing party shall make a written offer to purchase at a price deemed by the purchasing party to be the fair value of the shares.

(c) If the parties are unable to agree on fair value within 40 days of entry of the order, the court shall make the determination of the fair value, and the provisions of sections 14A:11-8 through 14A:11-11 shall be followed insofar as they are applicable.

(d) Interest may be allowed at the rate and from the date determined by the court to be equitable, and if the court finds that the refusal of the shareholder to accept any offer of payment was arbitrary, vexatious, or otherwise not in good faith, no interest shall be allowed. If the court finds that the action was maintainable under paragraph 14A:12-7(1)(c), the court in its discretion may award to the selling shareholder or shareholders reasonable fees and expenses of counsel and of any experts, including accountants, employed by them.

(e) The purchase price shall be paid in cash within 30 days after the court has determined the fair value of the shares.

(f) Upon entry of an order for the sale of shares under this subsection, and provided the corporation or the moving shareholders post a bond in adequate amount with sufficient sureties or otherwise satisfy the court that the full purchase price of the shares, plus such additional costs, expenses, and fees as may be awarded, will be paid when due and payable, the selling shareholders shall no longer have any rights or status as shareholders, officers, or directors, except the right to receive the fair value of their shares plus such other amounts as might be awarded.

In such event, the court may remove any custodian or provisional director who may have been appointed.

(9) In determining whether to enter a judgment of dissolution in an action brought under this section, the court shall take into consideration whether the corporation is operating profitably and in the best interests of its shareholders, but shall not deny entry of such a judgment solely on that ground.

(10) If the court determines that any party to an action brought under this section has acted arbitrarily, vexatiously, or otherwise

not in good faith, it may in its discretion award reasonable expenses, including counsel fees incurred in connection with the action, to the injured party or parties.

68. N. J. S. 14A:12-8 is amended to read as follows:

14A:12-8 Effective time of dissolution.

A corporation is dissolved

- (a) when the period of duration stated in the corporation's certificate of incorporation expires and the corporation files a certificate of dissolution in the office of the Secretary of State pursuant to section 14A:12-5.1; or
- (b) upon the proclamation of the Secretary of State issued pursuant to section 54:11-2 of the Revised Statutes; or
- (c) when a certificate of dissolution is filed in the office of the Secretary of State pursuant to sections 14A:12-2, 14A:12-3, 14A:12-4 or 14A:12-5, except when a later time not to exceed 30 days after the date of filing is specified in the certificate of dissolution; or
- (d) when a judgment of forfeiture of corporate franchises or of dissolution is entered by a court of competent jurisdiction.

69. N. J. S. 14A:12-9 is amended to read as follows:

14A:12-9 Effect of dissolution.

(1) Except as a court may otherwise direct, a dissolved corporation shall continue its corporate existence but shall carry on no business except for the purpose of winding up its affairs by

- (a) collecting its assets;
- (b) conveying for cash or upon deferred payments, with or without security, such of its assets as are not to be distributed in kind to its shareholders;
- (c) paying, satisfying and discharging its debts and other liabilities; and
- (d) doing all other acts required to liquidate its business and affairs.

(2) Subject to the provisions of subsection 14A:12-9(1), and except as otherwise provided by court order, the corporation, its officers, directors and shareholders shall continue to function in the same manner as if dissolution had not occurred. In particular, and without limiting the generality of the foregoing,

- (a) the directors of the corporation shall not be deemed to be trustees of its assets and shall be held to no greater standard of conduct than that prescribed by section 14A:6-14;

(b) title to the corporation's assets shall remain in the corporation until transferred by it in the corporate name;

(c) the dissolution shall not change quorum or voting requirements for the board or shareholders, nor shall it alter provisions regarding election, appointment, resignation or removal of, or filling vacancies among, directors or officers, or provisions regarding amendment or repeal of by-laws or adoption of new by-laws;

(d) shares may be transferred until the record date of the final liquidating distribution or dividend to shareholders;

(e) the corporation may sue and be sued in its corporate name and process may issue by and against the corporation in the same manner as if dissolution had not occurred;

(f) no action brought against any corporation prior to its dissolution shall abate by reason of such dissolution.

(3) The right of the corporation to sell its assets and the right of a shareholder to dissent from such sale shall be governed by Chapters 10 and 11 in the same manner as if dissolution had not occurred.

(4) A dissolved corporation may condition the payment to its shareholders

(a) of any partial liquidating distribution or dividend on the surrender to it of the share certificates on which the distribution or dividend is to be paid for endorsement to reflect such payment; or

(b) of the final liquidating distribution or dividend on the surrender to it for cancellation of the share certificates on which the distribution or dividend is to be paid.

70. N. J. S. 14A:12-12 is amended to read as follows:

14A:12-12 Notice to creditors; filing claims.

(1) At any time after a corporation has been dissolved, the corporation, or a receiver appointed for the corporation pursuant to this chapter, may give notice requiring all creditors to present their claims in writing. Such notice shall be published 3 times, once in each of 3 consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the corporation is located and shall state that all persons who are creditors of the corporation shall present written proof of their claims to the corporation or the receiver, as the case may be, at a place and on

or before a date named in the notice, which date shall not be less than 6 months after the date of the first publication.

(2) On or before the date of the first publication of the notice as provided in subsection 14A:12-12(1), the corporation, or the receiver, as the case may be, shall mail a copy of the notice to each known creditor of the corporation. The giving of such notice shall not constitute recognition that any person to whom such notice is directed is a creditor of the corporation other than for the purpose of receipt of notice hereunder.

(3) As used in this section, "creditor" means all persons to whom the corporation is indebted, and all other persons who have claims or rights against the corporation, whether liquidated or unliquidated, matured or unmatured, direct or indirect, absolute or contingent, secured or unsecured.

(4) Proof of the publication and mailing authorized by this section shall be made by an affidavit filed in the office of the Secretary of State.

71. N. J. S. 14A:12-13 is amended to read as follows:

14A:12-13 Barring of claims of creditors.

(1) Any creditor as defined in subsection 14A:12-12(3) who does not file his claim as provided in the notice given pursuant to section 14A:12-12, and all those claiming through or under him, shall be forever barred from suing on such claim or otherwise realizing upon or enforcing it except, in the case of a creditor who shows good cause for not having previously filed his claim, to such extent as the Superior Court may allow

(a) against the corporation to the extent of any undistributed assets; or

(b) if the undistributed assets are not sufficient to satisfy such a claim, against a shareholder to the extent of his ratable part of such claim, out of the assets of the corporation distributed to him in liquidation or dissolution.

(2) This section shall not apply to claims which are in litigation on the date of the first publication of the notice pursuant to section 14A:12-12.

72. N. J. S. 14A:12-15 is amended to read as follows:

14A:12-15 Jurisdiction of the Superior Court.

At any time after a corporation has been dissolved in any manner, a creditor, as defined in subsection 14A:12-12(3), or a

shareholder of the corporation, or the corporation itself, may apply to the Superior Court for a judgment that the affairs of the corporation and the liquidation of its assets continue under the supervision of the court. The court shall have power to proceed in a summary manner or otherwise upon such application, and shall make such orders and judgments as may be required, including, but not limited to, the continuance of the liquidation of the corporation's assets by its officers and directors under the supervision of the court, or the appointment of a receiver of the corporation, who shall be vested with all the powers provided in Chapter 14 to be exercised by receivers appointed to liquidate the affairs of a corporation.

73. N. J. S. 14A:12-19 is added as follows:

14A:12-19 Dissolution upon liquidation.

No corporation shall be completely liquidated and all of its assets distributed to its shareholders unless provision is made for the dissolution of the corporation and the payment of all fees, taxes, and other expenses incidental thereto.

74. N. J. S. 14A:14-15 is amended to read as follows:

14A:14-15 Notice to creditors.

(1) The receiver shall, within 30 days following the date of his appointment, give notice requiring all creditors to present their claims in writing. Such notice shall be published twice, once in each of two consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the corporation is located and shall state that all persons who are creditors of the corporation shall present written proof of their claims, under oath, to the receiver at a place and on or before a date named in the notice, which date shall not be less than 6 months after the date of the first publication. By order of the Superior Court, the time for giving such notice to creditors and the time within which creditors shall be required to file proofs of claim may be extended or limited, or the giving of such notice to creditors may be entirely excused.

(2) Any creditor who does not file his claim as provided in the notice given pursuant to subsection 14A:14-15(1), and all those claiming through or under him, shall be forever barred from suing on such claim or otherwise realizing upon or enforcing it except, in the case of a creditor who shows good cause for not having

previously filed his claim, to such extent as the Superior Court may allow

(a) against the corporation to the extent of any undistributed assets; or

(b) if the undistributed assets are not sufficient to satisfy such a claim, against a shareholder to the extent of his ratable part of such claim, out of the assets of the corporation distributed to him in liquidation or dissolution.

(3) On or before the date of the first publication of the notice as provided in subsection (1) of this section, the receiver shall mail a copy of the notice to each known creditor of the corporation. The giving of such notice shall not constitute recognition that any person to whom such notice is directed is a creditor of the corporation other than for the purpose of receipt of notice hereunder.

(4) Proof of the publication and mailing required by this section shall be made by an affidavit filed in the office of the Clerk of the Superior Court.

75. N. J. S. 14A:14-21 is amended to read as follows:

14A:14-21 Distribution of assets; priorities.

(1) After payment of all allowances, expenses and costs, and, subject to the laws of the United States and to subsection 14A:14-21(3), the satisfaction of all liens upon the funds of the corporation to the extent of their lawful priority, the creditors shall be paid proportionately to the amount of their respective debts, excepting mortgage and judgment creditors when the judgment has not been by confession for the purpose of preferring creditors. The creditors shall be entitled to distribution on debts not due, making in such case a rebate of interest, when interest is not accruing on the same.

(2) The surplus funds, if any, after payment of the creditors and the costs, expenses and allowances aforesaid, and the preferred stockholders, shall be divided and paid to the general stockholders proportionately, according to their respective shares.

(3) In any distribution to creditors all persons doing labor or service of any character, in the regular employment of the corporation, shall be entitled to priority of payment for the wages, not to exceed \$600. for each claimant, due them respectively for all labor, work and services performed within three months before the institution of a receivership action under this chapter. A claim

under this subsection 14A:14-21(3) shall have priority over all other claims against the corporation, but shall be subordinate to (1) a security interest in personal property perfected prior to the date when the receivership action was instituted, which perfected security interest cannot be set aside by the receiver under the provisions of this Chapter, (2) mortgages upon the real property of the corporation, and (3) all claims entitled to higher priority by law.

76. N. J. S. 14A:14-25 is amended to read as follows:

14A:14-25 Reorganization under act of Congress; rights of certain shareholders.

In any case where a plan of reorganization of a corporation provides for any action to be taken, which, if taken pursuant to any provisions of this act, would entitle dissenting shareholders to payment of the value of their shares, such action may be taken by such corporation in reorganization without payment to shareholders of the value of their shares.

77. N. J. S. 14A:14-26 is amended to read as follows:

14A:14-26 Reorganization under act of Congress; certificates.

When any plan of reorganization provides for any action to be taken, which, if taken pursuant to any provisions of this act, would require the filing of a certificate or other document in the office of the Secretary of State, such certificate or other document shall be executed on behalf of the corporation by the persons specified in subsection (2) of section 14A:14-24 and shall be filed in the office of the Secretary of State. Such certificate or other document shall recite that its making and filing are authorized pursuant to a plan of reorganization, and shall make reference to the proceeding in which the plan of reorganization was ordered or confirmed.

78. N. J. S. 14A:15-3 is amended to read as follows:

14A:15-3 Additional miscellaneous fees.

The Secretary of State shall also charge and collect for:

- | | |
|---|---------|
| (1) filing an application to reserve a specified corporate name and issuing a certificate of reservation if application is for the first name available for corporate use among not more than three specified names | \$20.00 |
| ..... | \$25.00 |
| (2) filing a notice of transfer of a reserved corporate name | \$10.00 |

(3) filing an application by a foreign corporation to register its corporate name	\$35.00
(4) filing an application by a foreign corporation to renew the registration of its corporate name	\$35.00
(5) filing a statement of cancellation of shares	\$25.00
(6) filing a statement of reduction of stated capital ..	\$25.00
(7) filing a certificate as to the acquisition of the shares or a class of shares of a domestic corporation	\$30.00
(8) issuing a certificate of standing, including registered agent and registered office	\$10.00
(9) issuing a certificate of standing, same as above, but including incorporators, officers and directors, and authorized shares	\$20.00
(10) issuing a certificate of standing, listing charter documents	\$20.00
(11) issuing a certificate of availability of corporate name (1 to 3 names)	\$10.00
(12) filing a certificate of registration of fictitious name	\$25.00
(13) filing a certificate of renewal of registration of fictitious name	\$25.00
(14) filing a certificate of correction, in addition to any applicable license fee	\$10.00
(15) all other certificates issued or papers filed, but not otherwise provided for	\$10.00
(16) corporate information searches or lookups—in excess of five names per day—per name	\$1.00

79. This act shall take effect the first day of a calendar month occurring not less than 90 days after enactment.

Approved January 7, 1974.

CHAPTER 367

AN ACT concerning tax procedure in connection with the dissolution, merger or consolidation of corporations in certain cases, supplementing the State Tax Uniform Procedure Law, chapter 50 of Title 54 of the Revised Statutes and repealing R. S. 54:50-11 and section 12 of the "Corporation Business Tax Act (1945)," approved April 13, 1945 (C. 54:10A-12).

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

C. 54:50-12 Definitions.

1. As used in this act,

a. "taxes" means all taxes, fees, penalties, and interest owing under any State tax law;

b. "foreign corporation" means any corporation other than a domestic corporation which is subject to taxation under any State tax law.

C. 54:50-13 Payment of taxes as condition for merger, consolidation or dissolution.

2. Until all taxes owing by it have been paid, or provided for as set forth in section 4 of this act,

a. no domestic or foreign corporation shall merge or consolidate into a foreign corporation not authorized to transact business in this State; and

b. no domestic corporation shall dissolve and no domestic or foreign corporation shall distribute any of its assets in dissolution or liquidation to any shareholder unless

(1) one or more domestic corporations or foreign corporations authorized to transact business in this State are owners in the aggregate of 50% or more of all classes of such corporation's capital stock and, prior to such dissolution or distribution, all such holders of the corporation's capital stock jointly and severally undertake in writing to pay all such taxes on or before the date such taxes are payable; or

(2) such corporate action is pursuant to a plan of reorganization under which a domestic corporation or a foreign corporation authorized to transact business in this State has purchased, or is

about to purchase, all, or substantially all, of the assets of such corporation in exchange for shares of its capital stock and has undertaken in writing to pay all such taxes on or before the date such taxes are payable.

C. 54:50-14 Evidence of tax payment required for certain filings.

3. The Secretary of State shall not

a. accept for filing a certificate of dissolution of a domestic corporation;

b. issue a certificate of withdrawal of a foreign corporation, unless such withdrawal is effected by its merger or consolidation into a domestic corporation or a foreign corporation authorized to transact business in this State; or

c. accept for filing a certificate of merger or consolidation of a domestic corporation into a foreign corporation not authorized to transact business in this State;

unless the corporation files with the Secretary of State a certificate issued by the Director of the Division of Taxation dated not earlier than 45 days prior to the effective date of the corporate action evidencing that the corporation's taxes have been paid or provided for.

C. 54:50-15 Issuance of certificate evidencing tax payment.

4. The Director of the Division of Taxation shall, upon application, issue a certificate evidencing that a corporation's taxes have been paid or provided for if

a. in his judgment the amount which has been deposited or paid on account by such corporation is adequate to cover estimated taxes up to the date of the relevant corporate action; or

b. in a case in which the corporate action taken or proposed to be taken is one of the exceptions specified in subsections 2b (1) or 2b (2) of this act, the application for such certificate is accompanied by

(1) an opinion signed by an attorney-at-law of the State of New Jersey, who states that he is familiar with the facts of the transaction and that the requirements for such exception have been met and

(2) the written undertaking of the corporation or corporations assuming the tax liability; or

c. the application for such certificate is accompanied by

(1) a written undertaking from another domestic corporation, or foreign corporation authorized to transact business in this State, to pay all taxes of the applicant corporation on or before the date such taxes are payable and

(2) a certification that the corporation making such undertaking has a net worth not less than ten times the amount of all taxes paid by the applicant corporation during the last complete year in which it filed tax returns with the State of New Jersey.

The Director of the Division of Taxation shall be entitled to receive as a fee for the issuance of such certificate the sum of \$10.00.

C. 54:50-16 Evidence required from certain foreign corporations.

5. The Director of the Division of Taxation may require, as a condition of issuing a certificate evidencing that a corporation's taxes have been paid or provided for, evidence by affidavit or otherwise that any foreign corporation not qualified to transact business in this State, which is a party to the transaction causing the corporation to seek such a certificate, has paid all taxes, if any, owing by it.

C. 54:50-17 Execution of filings under oath.

6. Any written undertaking or certificate to be filed by a corporation with the Director of the Division of Taxation as provided in this section shall be executed under oath on its behalf by its president, vice president, or treasurer.

C. 54:50-18 Personal liability for tax payment.

7. Any officer or director of a corporation who is instrumental in a corporation violating section 2 of this act, or in a corporation filing any certification under subsection 4c (2) of this act which is materially false, shall be personally liable for payment of the corporation's taxes, if such taxes are not paid by the taxpayer corporation, or by the corporation which has undertaken to pay them, when due and payable. The amount of such personal liability shall be recoverable by the State in any court of competent jurisdiction and the Director of the Division of Taxation shall have such additional remedies for the enforcement of such personal liability as may be available under any law of this State.

C. 54:50-19 Repealer.

8. Section 12 of the Corporation Business Tax Act (C. 54:10A-12) and R. S. 54:50-11 are repealed.

9. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 368

AN ACT concerning investments by savings banks and supplementing article 25 of "The Banking Act of 1948" approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-182.3 Investments by savings banks; regulation.

1. The Commissioner of Banking shall have power to make, amend and repeal regulations authorizing savings banks to invest in specified investment securities not authorized by the act to which this is a supplement, or not otherwise authorized. "Investment securities" means those marketable corporate obligations in the form of bonds, debentures or similar instruments as are commonly known as investment securities under such further definition of investment securities as may be prescribed by the commissioner pursuant to P. L. 1948, c. 67 s. 60 (C. 17:9A-60 (2)).

2. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 369

AN ACT concerning counties and the issuance of bonds or other obligations for county park purposes and validating certain proceedings for the issuance of such bonds or other obligations.

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

C. 40:37-95.10i Issuance of bonds for park purposes.

1. Any county which shall have heretofore adopted or which shall hereafter adopt the provisions of P. L. 1970, c. 148 shall be authorized to issue bonds or other obligations for park purposes in the aggregate sum of not exceeding \$5,000,000.00 in addition to any amount of bonds or other obligations authorized to be issued by such county for park purposes pursuant to the provisions of

any other law, and notwithstanding that such county shall not have previously adopted the provisions of P. L. 1966, c. 144.

Validation.

2. All proceedings heretofore had or taken by any county for adoption of the provisions of P. L. 1970, c. 148 at any general election heretofore held therein and any bonds or other obligations of the county heretofore or hereafter authorized or issued subsequent to approval of a proposition by the legal voters of the county at such general election for adoption of said chapter 148, are hereby ratified, validated, and confirmed, and the provisions of said chapter 148 shall be fully applicable with respect to said county notwithstanding that the bonds for county park purposes had not been previously authorized and issued pursuant to P. L. 1966, c. 144 (C. 40:37-95.10a to 40:37-95.10d) as required by said chapter 148, provided however that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

3. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 370

AN ACT to amend "The New Jersey Highway Authority Act," approved April 14, 1952 (P. L. 1952, c. 16).

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

1. Section 4 of P. L. 1952, c. 16 (C. 27:12B-4) is amended to read as follows:

C. 27:12B-4 New Jersey Highway Authority established; membership, removal, oath, vacancies, officers, quorum, bond, compensation; approval of actions.

4. There is hereby established in the State Department of Transportation a body corporate and politic, with corporate succession, to be known as the "New Jersey Highway Authority."

The authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of projects shall be deemed and held to be an essential governmental function of the State.

The New Jersey Highway Authority shall consist of five members, each of whom shall be a resident of the State, who shall have been a qualified elector therein for a period of at least 1 year next preceding his appointment. Each member of the authority shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 5 years and shall serve until his successor is appointed and has qualified; except that of the first appointments hereunder, one shall be for a term of 3 years and one for a term of 6 years, and they shall serve until their respective successors are appointed and have qualified. The term of each of the first appointees hereunder shall be designated by the Governor. Each member of the authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the authority 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.

Any vacancies in the membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

The Governor shall designate one of the members of the authority as chairman thereof and another member as vice-chairman thereof. The chairman and vice-chairman of the authority so designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The authority shall elect a secretary and a treasurer who need not be members. At the option of the authority the same person may be elected to serve both as secretary and treasurer. Three members of the authority shall constitute a quorum and the vote of three members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

Before the issuance of any bonds or notes under the provisions of this act, each member of the authority shall execute a surety bond in the penal sum of \$25,000.00, and the treasurer shall execute

a surety bond in the penal sum of \$50,000.00, each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls for the use of any highway projects or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and at least one of the following: the State Treasurer and the Comptroller of the Treasury. The powers conferred in this section upon the Governor, the State Treasurer and the Comptroller of the Treasury shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this section shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days (Saturdays, Sundays and holidays excepted) after such copy of the minutes shall have been delivered or the approval thereof by the Governor prior thereto. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action, except action to negotiate or execute a collective negotiation agreement with a certified public employee organization representing employees of the authority, taken by the authority or any member thereof at such meeting, such action shall be null and of no effect.

The members of the authority shall not receive compensation for their services as members of the authority. Each member shall be reimbursed by the authority for his actual expenses necessarily incurred in the performance of his duties.

2. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 371

AN ACT concerning county sanitary sewerage district authorities and amending sections 29 and 43 of P. L. 1946, c. 123, approved April 23, 1946.

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

1. Section 29 of P. L. 1946, c. 123 (C. 40:36A-29) is amended to read as follows:

C. 40:36A-29 Proposed plans.

29. An authority shall with all practicable speed prepare or cause to be prepared a project report together with maps, designs and costs and other estimates, which shall show a proposed plan or method of construction of its district sewer system. If the sewerage district of the authority includes more than one natural drainage area, the authority may establish a separate district sewerage system for each such drainage area. Each such system shall be designed, financed, constructed, acquired and operated independently of any other such system, provided that the authority may make joint use of facilities or personnel and allocate the proportionate cost thereof to each system on such terms as it may determine, subject to the provisions of any bond resolution or agreements with municipalities, private sewer companies and industries. In its discretion, an authority may defer consideration of and action regarding any district sewer system or any part of any district sewer system. In such event, it may proceed under this act with action regarding and consideration and completion and operation of the remaining system, systems or part or parts, and, as used in this and following sections of this act, the term "district sewer system" shall mean each such remaining system, part or parts.

2. Section 43 of P. L. 1946, c. 123 (C. 40:36A-43) is amended to read as follows:

C. 40:36A-43 Rates.

43. After the commencement of operation of a district sewer system of an authority under this act the authority may prescribe and change from time to time rates, rents, fees or other charges to be charged for the discharge and disposal of sewage through its district sewer system. Said rates shall be prescribed and from time to time revised as hereinafter provided, so that an authority

and each district sewer system shall be and always remain self-supporting with earnings sufficient to provide for all expenses of operation, maintenance, depreciation and repair and the payment of the principal and interest of any bonds issued or to be issued pursuant to this act, so as to prevent the accrual of any deficit. Such rates being in the nature of use or service charges, shall be uniform throughout a district for the same type, class and amount of use or service of a district sewer system and shall be based upon the total annual volume of sewerage from each municipality, private sewer company or institution; but may give weight to the characteristics of the sewage and other wastes and any other special matter affecting the cost of treatment and disposal thereof, including chlorine demand, biochemical oxygen demand, concentration of solids and chemical composition. In order to assure the authority that it will be advantageous and economical to construct, finance and operate a district sewer system, any municipality, private sewer company or institution may guarantee that a stated minimum annual volume of sewerage will be deemed to be discharged into the district sewer system by it. For the purpose of establishing rates, the annual volume of sewerage from such municipality, private sewer company or institution shall be the actual volume or the guaranteed minimum volume, whichever is greater.

3. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 372

AN ACT concerning insurance relating to investments and amending sections 17B:20-1, 17B:20-2, 17B:20-4, 17B:20-5 and 17B:20-7 of the New Jersey Statutes.

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

1. N. J. S. 17B:20-1 is amended to read as follows:

Investments of domestic insurers.

17B:20-1. Any domestic insurer may invest its capital, surplus and other funds, or any part thereof, in:

a. Bonds, notes, or other evidences of indebtedness or public stock issued, created, insured or guaranteed by the United States, any territory or possession thereof, this or any other State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada, or any of the provinces thereof, or any instrumentality, agency or political subdivision of one or more of the foregoing.

b. Real estate which may be improved or which is unimproved but acquired in accordance with a definite plan for development within not more than 5 years, and in the operation, improvement, development and leasing thereof; provided, that if the commissioner shall determine that the interest of such insurer's policyholders requires that any specific real estate so acquired be disposed of, then such insurer shall dispose of such real estate within such reasonable time as the commissioner shall direct; and provided further, that the sum of (1) the aggregate amount invested in such real estate (including real estate held pursuant to section 17B:18-45 of this Title) and (2) the aggregate amount invested in capital stock of any subsidiary of the insurer pursuant to section 17B:20-4, and in any general or limited partnership interest in a partnership, engaged in a business primarily involving the owning, developing, operating or leasing of real estate shall not exceed 10% of the total admitted assets of such insurer as of December 31 next preceding. Real estate used primarily for agricultural, horticultural, ranching, mining or foresting purposes shall be deemed improved within the meaning of this subsection b. The term "real estate" as used in this chapter shall include any real property and any interest therein including, without limitation, any interest on, above or below the surface of the land, any leasehold estate therein, and any such interest held or to be held by the insurer in cotenancy with one or more other institutions. Income produced by investment in any such leasehold shall be applied in a manner calculated to amortize the amount invested in such leasehold within a period not exceeding eight-tenths of the unexpired term of the leasehold, inclusive of enforceable options, or within 40 years, whichever is the lesser, or where the peculiar nature of the leasehold involved so dictates, within such period and subject to such other reasonable limitations as the commissioner shall by regulation impose. For the purposes of this subsection b., a mortgage loan shall not be deemed to be an investment in real estate notwithstanding the mortgagor is an institution in which such insurer has an ownership interest as shareholder, partner, or

otherwise. The commissioner may promulgate a regulation in connection with investments under this subsection b. which shall, as far as practicable, be consistent with those regulations of the department which treat with securities supported by such interests in real estate.

c. Mortgage loans on unencumbered real estate, located within the United States, any territory or possession thereof, the Commonwealth of Puerto Rico or Canada. The amount of any such loan shall not exceed 80% of the value of the real estate mortgaged unless (1) the loan is also secured by the mortgagor's interest in a lease or leases whose aggregate rentals shall be sufficient, after payment of operating expenses and fixed charges, to repay 90% of the loan with interest thereon during the initial term or terms of such lease or leases and shall be payable directly or indirectly by any governmental units, instrumentalities, agencies or political subdivisions or an institution or institutions which meet the credit standards of the insurer for an unsecured loan to such institution or institutions or (2) the excess over such 80% is insured or guaranteed or to be insured or guaranteed by the United States, any territory or possession thereof, this or any other State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof, or any instrumentality, agency or political subdivision of one or more of the foregoing. Any mortgage loan so insured or guaranteed or to be insured or guaranteed shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be charged or taken upon any such loan.

Any such insurer may hold a participation in any such mortgage loan if (1) such participation is senior and gives the holder substantially the rights of a first mortgagee or (2) the interest of such insurer in the evidence or evidences of indebtedness is of equal priority, to the extent of such interest, with other interests therein.

Any such mortgage loan whose maturity date shall be more than 2 years after the date of disbursement of such loan, and which exceeds two-thirds of the value of the real estate mortgaged shall, as a minimum, provide for payments to be made by the borrower during the term of the loan to amortize the amount by which the loan exceeds two-thirds of the value of the real estate mortgaged. The commissioner may promulgate such supplemental regulations as he deems necessary with regard to particular classes of such investments, taking into consideration the type of security and the ratio of the loan to the value of the real estate mortgaged. No loan

may be made on leasehold real estate unless the terms of such loan provide for payments to be made by the borrower on the principal thereof in amounts sufficient to completely repay the loan within a period not exceeding nine-tenths of the term of the leasehold, inclusive of the term or terms which may be provided by any enforceable option or options of extension or of renewal, which is unexpired at the time the loan is made.

Real estate shall not be deemed to be encumbered within the meaning of this subsection c. by reason of the existence of taxes or assessments that are not delinquent, or encumbrances that do not adversely affect the salability of the property to a material extent or as to which the insurer is insured against loss by a title insurer, or any prior mortgage or mortgages held by such insurer if the aggregate of the mortgages held shall not exceed the amount hereinbefore set forth, nor when such real estate is subject to lease in whole or in part; provided, that the security created by the mortgage on such real estate is a first lien thereon. Real estate shall not be deemed to be encumbered and the security of the mortgage thereon shall be deemed a first lien within the meaning of this subsection c. notwithstanding the mortgagor is an institution in which such insurer has an ownership interest as shareholder, partner or otherwise.

No such insurer shall, pursuant to this subsection c. invest more than 2% of its total admitted assets as of December 31 next preceding in any mortgage loan secured by any one property, nor shall its total mortgage investments pursuant to this subsection c., exclusive of any mortgage loans insured or guaranteed or to be insured or guaranteed as hereinbefore provided, exceed 50% of such admitted assets.

d. Tangible personal property, equipment trust obligations or other instruments evidencing an ownership interest or other interest in tangible personal property where there is a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such personal property, provided, that the aggregate investments therein shall not exceed 10% of the total admitted assets of such insurer as of December 31 next preceding; or certificates of receivers of any institution where such purchase is necessary to protect an investment in the securities of such institution theretofore made under authority of this chapter; or the capital stock, beneficial shares or other instruments evidencing an ownership interest, bonds, securities or evi-

dences of indebtedness issued, assumed or guaranteed by any institution created or existing under the laws of the United States, any territory or possession thereof, this or any other State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof; provided, that no purchase of any evidence of indebtedness which is in default as to interest shall be made by such insurer unless such purchase is necessary to protect an investment theretofore made under statutory authority.

The term "institution" as used in this chapter shall include any corporation, joint stock association, business trust, business joint venture, business partnership, savings and loan association, credit union or other mutual savings institution. No purchase shall be made of the stock of any class of any corporation except a subsidiary of the insurer pursuant to section 17B:20-4 unless (1) such corporation has paid cash dividends on such class of stock during each of the past 5 years preceding the time of purchase or (2) such corporation shall have earned during the period of such 5 years an aggregate sum available for dividends upon such stock which would have been sufficient, after all fixed charges and obligations, to pay dividends upon all shares of such class of stock outstanding during such period averaging 4% per annum computed upon the par value (or in the case of stock having no par value, upon the stated capital in respect thereof) of such stock. In the case of the stock of a corporation resulting from or formed by merger, consolidation, acquisition or otherwise less than 5 years prior to such purchase, each consecutive year next preceding the effective date of such merger, consolidation or acquisition during which dividends or other distributions of profits shall have been paid by any one or more of its constituent or predecessor institutions in an aggregate amount sufficient to have paid dividends on that class of stock of the existing corporation whose stock is to be purchased, had such corporation then been in existence, shall be deemed a year during which dividends have been paid on such class of stock and the earnings of such constituent or predecessor institutions available for dividends during each of such years may be included as earnings of the existing corporation whose stock is to be purchased for each of such years; provided, however, that nothing herein contained shall prohibit the purchase of stock of any class which is preferred, as to dividends, over any class the purchase of which is not prohibited by this section; and provided further, that no purchase of its own stock shall be made by any insurer except for the purpose of the

retirement of such stock or except as specifically permitted by any law of this State applicable by its terms only to insurers.

e. Securities, properties and other investments in foreign countries in addition to those specified in section 17B:20-5 which are substantially of the same character as prescribed for authorized investments for funds of the insurer under the preceding subsections of this section, to an amount valued at cost not exceeding in the aggregate at any one time 2% of the total admitted assets of such insurer as of December 31 next preceding; provided, however, that the amount invested in authorized investments in any one foreign country pursuant to this subsection e. shall not exceed in the aggregate, at any one time, 1% of such admitted assets. For the purposes of this subsection e., Canada shall not be deemed to be a foreign country.

f. Bonds, notes, or other evidences of indebtedness, issued, insured or guaranteed or to be insured or guaranteed by the International Bank for Reconstruction and Development, or by the Inter-American Development Bank, or by the Asian Development Bank.

g. Collateral loans secured by a pledge of capital stock, beneficial shares or other instruments evidencing an ownership interest, bonds, securities or evidences of indebtedness qualified or permitted for investment under any of the preceding subsections of this section. The amount of any such loan shall not exceed 80% of the market value of the security pledged at the date of the loan.

h. Loans or investments which are not qualified or permitted under any of the preceding subsections of this section or which are not otherwise expressly authorized by law; provided, that the aggregate amount of such loans and investments, valued at cost, shall not exceed at any one time 5% of the total admitted assets of such insurer as of December 31 next preceding.

For the purposes of subsection c. and this subsection h., the portion of a mortgage loan on unencumbered real estate which does not exceed 80% of the value of the real estate mortgaged shall be deemed to be a permitted investment under subsection c. and the remainder of said loan may be deemed to be made under this subsection h. Any investment originally made under this subsection h. which would subsequently, if it were being made, qualify as a permitted investment under another subsection of this section

shall thenceforth be deemed to be a permitted investment under such other subsection.

2. N. J. S. 17B:20-2 is amended to read as follows:

Limitation of investments.

17B:20-2. No domestic insurer shall purchase more than 8% of the voting stock of any one corporation, unless it be: a municipal corporation; a subsidiary of such insurer pursuant to section 17B:20-4; or an investment company within the meaning of the Investment Company Act of 1940 for which such insurer or its subsidiary is the investment manager or investment adviser, provided, that such investment company shall not own, control or hold in its portfolio any investment which, if added to the other investments of such insurer, would result in such insurer holding more than 8% of the voting stock of any one corporation. The term "voting stock" of any corporation shall mean any shares of capital stock of such corporation having general voting power under ordinary circumstances, when voting (together with one or more other classes, if any) as a class, to elect a majority of the board of directors of such corporation irrespective of whether or not at the time stock of any other class or classes shall have, or might have voting power by reason of the happening of any contingency. No such insurer shall hold more than 8% of any such class of stock of any investment company pursuant to this section at any time when such insurer could not purchase such stock pursuant to the foregoing provisions of this section. The amount (excluding amounts invested in the common stock of any corporation pursuant to sections 17B:20-3 and 17B:20-4) invested by any such insurer (a) in the common stock of any one corporation shall not exceed 2% of the total admitted assets of such insurer as of December 31 next preceding, or (b) in the common stock of all corporations valued at cost shall not exceed 15% of such assets except that to the extent that such aggregate investment in common stock exceeds 10% of such assets, further investments shall be subject to regulation by the commissioner under a formula which shall take into consideration the actual mandatory securities valuation reserve, as defined by the Subcommittee on Valuation of Securities of the National Association of Insurance Commissioners, held by a company which is applicable to such common stocks in the corresponding annual statement filed with the department. The term "common stock" shall mean any voting stock of any class of a corporation which shall not be limited to a fixed sum or percentage of par value in respect of the rights of the holders thereof to participate

in dividends or in the distribution of assets upon the voluntary or involuntary liquidation, dissolution or winding up of the corporation. Neither shall the amount invested in the beneficial shares or other ownership interests (other than common stock), evidences of indebtedness (excluding amounts invested in mortgage loans pursuant to subsection c. of section 17B:20-1), preferred stock and certificates of receivers of any one institution exceed 5% of such assets of the insurer. Nothing herein contained shall prevent any such insurer from purchasing, or in any other way acquiring the voting stock of, or otherwise investing in certain corporations as hereinafter provided in sections 17B:20-3 and 17B:20-4.

All investments made by any such insurer shall be authorized or approved by the board of directors, or by a committee thereof charged with the duty of supervising such investment, or shall be made in conformity with standards approved by such board of directors or such committee.

No such insurer shall enter into any agreement to withhold from sale any of its property or jointly or severally enter into any agreement to purchase the unsold amount of securities which are the subject of an offering for sale to the public or otherwise to guarantee the sale of such securities.

Nothing contained in this section shall prevent any such insurer from distributing shares of an investment company within the meaning of the Investment Company Act of 1940 for which such insurer or its subsidiary is the investment manager or investment adviser.

Any insurer may enter into an agreement to acquire any investment permitted by law, directly with the issuer or owner thereof, and may participate with other investors provided that the obligations of such insurer and such other investors shall be several and not joint.

The term "Investment Company Act of 1940" as used in this section shall mean an act of Congress approved August 22, 1940 entitled "Investment Company Act of 1940" as amended from time to time, or any similar statute enacted in substitution therefor.

3. N. J. S. 17B:20-4 is amended to read as follows:

Stock of subsidiary corporations.

17B:20-4. In addition to the authority expressly contained in this chapter and notwithstanding any limitation contained in this

Title, any domestic insurer may invest in the voting stock of one or more subsidiaries, as provided in this section.

a. As used in this section the following terms shall have the following meanings: (1) "voting stock" as used with reference to any corporation means any shares of capital stock of such corporation having general voting power under ordinary circumstances, when voting (together with one or more other classes, if any) as a class, to elect a majority of the board of directors of such corporation irrespective of whether or not at the time stock of any other class or classes shall have, or might have, voting power by reason of the happening of any contingency, and shall also include voting trust certificates, certificates of deposit, interim receipts and other similar instruments representing such stock and (2) "subsidiary" means a corporation of which a majority of the voting stock is owned or controlled by a domestic insurer, or by one or more subsidiaries of such insurer or by such insurer and one or more subsidiaries of such insurer, except that "subsidiary" shall not include a corporation of which a majority of the voting stock is acquired by the insurer or its subsidiaries pursuant to any other section of this chapter.

b. The business of a subsidiary, whether or not it is organized under the laws of this State, shall be limited to that authorized for a corporation organized under any law of this State, except that "subsidiary" shall not include any bank organized pursuant to the laws of this State and shall not include any national bank maintaining its principal office in this State.

c. No investment in the voting stock of any subsidiary shall be retained by a domestic insurer or by any of its subsidiaries unless at least a majority of the voting stock of such subsidiary is owned or controlled by such insurer or by one or more subsidiaries of such insurer or by such insurer and one or more subsidiaries of such insurer.

d. The investments of any such subsidiary, except a subsidiary engaged primarily in any kind of insurance business, when added, on a basis proportional to the insurer's interest in such subsidiary, to the investments of such insurer (referred to herein as the "controlling insurer") shall not cause the investments of the controlling insurer to exceed any of the limitations applicable to domestic insurers contained in this chapter; provided that investments by any subsidiary which if made by the controlling insurer would be subject to the limitations of section 17B:20-1b shall not be included

to the extent the controlling insurer's investment in the capital stock of such subsidiary is subject to the limitations of section 17B:20-1b; and provided further that the limitation upon the percentage of voting stock of any one corporation that may be purchased or acquired by a domestic insurer set forth in section 17B:20-2 shall apply with respect to the aggregate of the voting stock of any one corporation held by the controlling insurer and all of its subsidiaries, including any insurance subsidiaries. Notwithstanding the foregoing limitations of this subsection d., any such subsidiary shall be permitted to invest in the voting stock of one or more other corporations if:

(1) after such investment, such subsidiary, the controlling insurer and all other subsidiaries of the controlling insurer shall own at least a majority of the voting stock of such other corporation and such other corporation would, within the meaning of this section, constitute a permitted subsidiary of the controlling insurer, or

(2) the proportion of such investment attributable to the controlling insurer pursuant to this subsection d. could then have been made in the same manner by the controlling insurer under any other provision of this chapter.

e. The investment in such subsidiary shall not tend substantially to lessen competition or tend to create a monopoly.

f. Such subsidiary shall not be used directly or indirectly to promote the private interests of any officer or director of such insurer except that compensation may be paid by any subsidiary to officers and directors of such insurer for services rendered when such compensation is authorized by the board of directors of such subsidiary and approved by the board of directors of such insurer.

g. The aggregate amount invested by the controlling insurer in the voting stock of all subsidiaries pursuant to this section together with the aggregate amount of all other investments of the controlling insurer in such subsidiaries, valued at cost, (less any amount invested by the controlling insurer and such subsidiaries in any subsidiary engaged in a business primarily involving the owning, developing, operating or leasing of real estate) shall not exceed 5%, or with the approval of the commissioner 10%, of the total admitted assets of such insurer as of December 31 next preceding.

h. No investment in voting stock of any subsidiary shall be made by such insurer or any subsidiary thereof pursuant to this section

unless a notice of intention to make such proposed investment is filed with the commissioner not less than 30 days, or such shorter period as may be permitted by the commissioner, in advance of such proposed investment, nor shall any such investment be made if the commissioner at any time prior thereto finds that the proposed investment does not meet the requirements of this section or determines, in his sole discretion, that such proposed investment would be contrary to the best interests of policyholders or the public; provided, that after an investment in voting stock has been made pursuant to this section, no notice of intention to make further investments in the voting stock or other securities of the same subsidiary shall be required, and such further investments may be made subject to the limitations contained in subsection d. and subsection g. of this section. The commissioner shall have the power to conduct periodic examinations and require reports in connection with the operation of subsidiaries and, if he shall determine either that the interests of policyholders or the public so requires or that the investments of any subsidiary do not comply with the requirements of this section, to order that a domestic insurer or any subsidiary thereof dispose of its investment in any subsidiary or that any subsidiary dispose of any non-complying investments, in each case within a reasonable period of time.

4. N. J. S. 17B:20-5 is amended to read as follows:

Securities of foreign country or property therein.

17B:20-5. Any domestic insurer lawfully doing business, directly or through any subsidiary, in any foreign country other than Canada, may also invest its funds, or permit such subsidiary to invest its funds, to an amount not exceeding 150% of the reserves and other obligations under outstanding policies of insurance issued or delivered in such foreign country by the insurer or such subsidiary, in securities properties and other investments in such foreign country substantially of the same character as that prescribed for authorized investments for the funds of the insurer under the laws of this State.

5. N. J. S. 17B:20-7 is amended to read as follows:

Safekeeping of securities.

17B:20-7. All securities of domestic insurers, except:

a. mortgages and evidences of indebtedness secured thereby which are held for safekeeping in one or more offices operated by and under the direct control of an officer of such a company;

b. stock and other securities representing stock or convertible into stock, and options, warrants or rights to acquire stock; and

c. debt securities with a maturity of less than 1 year;

shall be held for safekeeping within the geographical limits of this State; provided, that any such company may make and maintain such deposits of securities with public officials of other States, the District of Columbia, the United States, any territory or possession thereof, the Commonwealth of Puerto Rico, and foreign countries to such extent as may be required by the laws of such jurisdictions as a condition for authority to transact business therein. This section shall not prohibit the deposit of such securities under transactions as provided in section 17B:20-3 or the transmission of such securities outside the State for the purpose of securing or recording title to such securities or to property, or for the purpose of the sale, exchange or alteration of the provisions of such securities, or for the collection of any payment due thereon, nor shall this section prohibit the deposit of such securities as collateral for loans or as security for the performance of contracts or the holding of such securities in the names of nominees designated by the board of directors of such insurer, or the lending of such securities to any institution upon adequate collateral security.

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

Approved January 7, 1974.

CHAPTER 373

AN ACT concerning motor vehicle registrations and amending
R. S. 39:30-20 and P. L. 1950, c. 142.

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

1. R. S. 39:3-20 is amended to read as follows:

Trucks, road tractors or truck tractors; fees; "constructor" registration plates; weight limitations.

39:3-20. An applicant for registration for trucks, road tractors and truck tractors shall pay to the director a fee based on the gross weight of the vehicle and load including the gross weight of all

vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X" or "Z." Trailer plates shall have the letter "T." The fee for trucks, road tractors and truck tractors shall be paid in accordance with the following:

When the gross weight of vehicle and load, including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles, is 5,000 pounds or less, the minimum registration fee shall be \$40.00 and where greater than 5,000 pounds, the registration fee shall be \$40.00 for the first 5,000 pounds and \$7.30 for each additional 1,000 pounds or portion thereof up to a maximum of 72,000 pounds.

An applicant for registration for trailers and semitrailers shall pay to the director a fee of \$15.00 for each such vehicle.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for automobile commercial vehicles, trailers, semitrailers, and tractors providing for the gross weight of vehicle and load over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section. In no event shall a vehicle or combination of vehicles, operating as a unit, registered under this section and using "constructor" registration plates exceed a maximum gross weight, inclusive of load, of 70,000 pounds.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for tandem three-axle vehicles having a weight and load not exceeding 60,000 pounds, upon application to the director and proof to his satisfaction that the applicant is actually engaged in the performance of solid waste disposal or collection functions and holds a certificate of convenience and necessity therefor issued by the Board of Public Utility Commissioners.

The applicants for "constructor" registration plates and registration plates for vehicles performing solid waste disposal or

collection functions authorized herein shall pay therefor on each vehicle at the rate of \$16.00 per thousand pounds of gross weight of vehicle and load.

Vehicles registered and using "constructor" registration plates may not be operated at a distance greater than 30 miles from the point established as a headquarters for the particular construction operation and such vehicles, except as hereafter provided, must comply with the speed limitations of Title 39 of the Revised Statutes. Such vehicles when carrying a gross weight of vehicle and load less than 50% of the certificate of registration shall comply with applicable speed laws and shall not move along a highway at a speed greater than 40 miles per hour. When carrying a gross weight of vehicle and load in excess of 50% of the certificate of registration, such vehicle shall comply with applicable speed laws and shall not move along a highway at a speed greater than 30 miles per hour.

Vehicles performing solid waste disposal or collection functions and registered therefor pursuant to the provisions of this section, may not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law, and no such vehicle shall be driven over any bridge in this State or over any interstate bridge owned or maintained in whole or in part by this State, upon which or immediately adjacent thereto there is posted in a conspicuous place a sign stating the gross weight the bridge will carry, if the gross weight of any such vehicle and the load is greater than the gross weight stated on the sign.

It shall be unlawful for any vehicle registered under this act having gross weight of load and vehicle including the gross weight of all vehicles and load in any combination of vehicles in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

In the event that a truck, road tractor or truck tractor registered under this act is found on a highway in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, the drawing vehicle of the combination registered under this act shall have a gross weight registration equal to at least $\frac{1}{2}$ of the combined gross weight of all the vehicles and load in the combination of vehicles. If it does not, the operation of said com-

bination of vehicles on the highways of this State shall be unlawful.

The 5% allowance provided by section 5 of P. L. 1950, c. 142 (C. 39:3-84.3) shall be applicable as heretofore to all registered weight limitations provided in this section, except that in no event shall the gross weight of any vehicle or combination of vehicles, including load, exceed the Federal maximum of 73,280 pounds or as such may be amended from time to time. In the case of a truck, road tractor or truck tractor registered under this act in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, known as a mixed combination, the 5% allowance shall be applied by adding to the registered weight of the drawing vehicle registered under this act 5% of said registered weight. If the resulting sum is equal at least to $\frac{1}{2}$ of the combined gross weight of the mixed combination, then the mixed combination shall be in compliance with the registration requirements of this section.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either section 39:3-84 or 39:4-75 of this Title.

2. Section 3 of P. L. 1950, c. 142 (C. 39:3-84.1) is amended to read as follows:

C. 39:3-84.1 Application of weight limitations.

3. The axle weight limitations of R. S. 39:3-84 shall apply to all vehicles registered in New Jersey subsequent to March 1, 1950, which have not been registered therein or contracted for purchase by New Jersey residents prior to that date. The combined weight of vehicle and load and axle load limitations provided in R. S. 39:3-84 shall not apply to vehicles registered for use with "constructor" registration plates or to certain tandem three-axle solid waste vehicles as provided in R. S. 39:3-20. Such vehicles shall be limited as to gross weight by the allowable weight of vehicle and load as shown on the registration certificate.

3. This act shall take effect immediately.

Approved January 7, 1974.

CHAPTER 374

AN ACT to authorize the borough of Ogdensburg in the county of Sussex to make permanent the appointment of William J. Bodle to the police department of the borough of Ogdensburg.

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

Private act.

1. The borough of Ogdensburg in the county of Sussex is authorized to make permanent the appointment of William J. Bodle to the police department of the borough of Ogdensburg notwithstanding the inability of William J. Bodle to pass the "chin up" requirement for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the borough of Ogdensburg for the purpose of adopting same.

Approved January 7, 1974.

CHAPTER 375

AN ACT prescribing standards for certain youth camps, supplementing Title 26 of the Revised Statutes and making an appropriation.

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

C. 26:12-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Youth Camp Safety Act."

C. 26:12-2 Purpose.

2. It is the purpose of this act to promote, protect and safeguard the health and well-being of the youth of the State attending day camps and resident camps by providing for establishment of standards for the safe operation of such camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

C. 26:12-3 Definitions.

3. As used in this act:

a. "Youth camp" means any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating five or more children under 18 years of age for a period of, or portions of, 2 days or more, and includes a site that is operated as a day camp or as a resident camp.

b. "Youth camp safety standards" means criteria directed toward safe operations of youth camps, in such areas as, but not limited to, personnel qualifications for director and staff, ratio of staff to campers, sanitation and public health, personal health, first aid and medical services, food handling, mass feeding and cleanliness, water supply and waste disposal, water safety including use of lakes and rivers, swimming and boating equipment and practices, vehicle condition and operation, building and site design, equipment, condition and density of use, emergency evacuation procedures and fire safety.

c. "Youth camp operator" means any private agency, organization, or person, and any individual, who operates, controls or supervises a youth camp, whether such camp is operated for profit or not for profit.

d. "Commissioner" means the Commissioner of Health or any of his authorized deputies, representatives, agents or employees.

C. 26:12-4 Operator to provide safe conditions, facilities and equipment.

4. Every youth camp operator shall provide to each camper safe and healthful conditions, facilities and equipment which are free from hazards that are causing, or may reasonably be expected to cause, death, serious illness, or serious physical harm, as well as adequate and qualified instruction and supervision at all times, wherever or however such camp activities are conducted and with due consideration of conditions existing in nature.

C. 26:12-5 Development and promulgation of standards.

5. The commissioner shall develop, and shall by rule and regulation promulgate, modify or revoke youth camp safety standards. In developing such standards, the commissioner shall consult with other State and local officials and with representatives of appropriate public and private organizations, and shall consider existing State and local regulations and standards and standards developed by private organizations which are applicable to youth camp health and safety. The commissioner shall make the initial promulgation of standards required by this act within 6 months of the effective date of this act.

C. 26:12-6 Issuance of certificate of approval; fee.

6. No youth camp which is now or hereafter shall be established shall be operated or conducted, except by authority of a valid certificate of approval issued by the commissioner under the rules and regulations prescribed by him. Application for the issuance or renewal of certificate shall be made upon a form prescribed by the commissioner, shall set forth the location of the camp and the operator thereof, and shall be accompanied by a fee to be set in the discretion of the commissioner but not to exceed \$50.00 for day camps and \$100.00 for resident camps which fee shall be returned if the application is denied.

C. 26:12-7 Term of certificate; provisional certificate.

7. Each certificate of approval shall be valid for a period of 1 year from the date of issue. The commissioner may issue a provisional certificate subject to later approval by the commissioner, after inspection of the youth camp during the period when the camp is operational.

C. 26:12-8 Enforcement of standards.

8. The commissioner shall be responsible for the enforcement of youth camp safety standards in this State and the commissioner is empowered to hold hearings and otherwise to investigate charges of any violation of this act.

C. 26:12-9 Inspections and investigations; examination of witnesses; accident reports.

9. a. In order to carry out his duties under this act, the commissioner may enter and inspect any youth camp and its records, may question employees, and may investigate facts, conditions, practices or other matters to the extent he deems it necessary or appropriate.

b. The commissioner shall have the power to administer oaths

and examine witnesses under oath, issue subpoenas, 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.

c. To determine the areas in which safety standards are necessary and to aid in promulgating meaningful regulations, camps subject to the provisions of this act shall be required to report annually, on the date prescribed by the commissioner, all accidents resulting in death, injury and illness, other than minor injuries which require only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of activity or motion, or premature termination of the camper's term at the camp. The commissioner shall compile the statistics reported and include summaries thereof in his annual report to the Governor and the Legislature.

C. 26:12-10 Revocation of certificate of approval; penalties.

10. The commissioner, upon notice and hearing, may revoke the certificate of approval and may impose a penalty not exceeding \$1,000.00 for any violation of this act or of any rule or regulation duly issued hereunder or order issued pursuant thereto. If any penalty imposed pursuant to this act is not paid, then the penalty shall be sued for and recovered by and in the name of the commissioner in a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). In such summary proceeding, the commissioner need only prove that notice was given, a hearing held, a decision rendered and a penalty imposed which has not been paid.

Where any violation of this act or of any rule or regulation duly issued hereunder is of a continuing nature, each day during which such violation continues after the date fixed by the commissioner in any order or notice for the correction or termination of such violation or each day the camp operates without a valid certificate of approval or continues to operate after notification of revocation of its certificate of approval, shall constitute an additional, separate and distinct violation, except during the time an appeal from said order or notice may be taken or is pending.

C. 26:12-11 Injunctive relief.

11. Upon a violation of this act or of any rules and regulations promulgated hereunder, the commissioner shall be entitled to institute a civil action in a court of competent jurisdiction for injunctive relief to restrain such violation and for such other relief

as the court shall deem proper, and the court may proceed in a summary manner in such action. Neither the institution of such action, nor any of the proceedings therein shall relieve any party to such proceedings from the penalty prescribed for a violation of this act.

C. 26:12-12 Exemptions; conditions and terms.

12. The commissioner, upon application by a camp owner showing extraordinary circumstances or undue hardship, and upon the determination by a field inspector, after inspection of the affected premises and facilities, that the conditions, practices, or activities proposed to be used are as safe and healthful as those which would prevail if the camp owner complied with the standard, may exempt such camp or activity from specific requirements of this act, but the terms of such exemption shall require appropriate notice thereof to parents or other relatives of affected campers.

C. 26:12-13 Advisory Council on Youth Camp Safety.

13. There is hereby established in the Department of Health an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The council shall consist of the commissioner, who shall be chairman, and six members appointed by the Governor from persons who are specially qualified by experience and competence to render such service. Members shall be appointed for a 4-year term, except that of those first appointed, one shall be appointed for a term of 1 year, one shall be appointed for a term of 2 years, two shall be appointed for a term of 3 years, and two shall be appointed for a term of 4 years. Each member shall hold office until his successor has been appointed and qualified. Vacancies shall be filled for the unexpired term.

Members of the council shall serve without compensation but shall be entitled to be reimbursed for actual expenses incurred in the performance of their duties.

The commissioner may appoint such special advisory or technical experts and consultants as may be necessary to assist the council in carrying out its functions.

C. 26:12-14 Annual report.

14. a. The commissioner shall prepare and submit to the Governor and the Legislature at least once during each fiscal year a comprehensive report on the administration of this act, which

report may be contained in the general annual report of the department.

b. The commissioner is authorized to request directly from any other department or agency of State Government information, suggestions and other data that may be needed to carry out his functions under this act; and such department or agency is authorized to furnish the information, suggestions or other data requested.

C. 26:12-15 Curriculum, program or ministry of camp.

15. Nothing in this act shall authorize the commissioner or any other official acting under this act to restrict, determine, or influence the curriculum, program or ministry of any youth camp.

C. 26:12-16 Medical examination, immunization or treatment.

16. Nothing in this act shall be deemed to authorize or require medical examination, immunization or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others.

17. There is hereby appropriated to the Department of Health the sum of \$100,000.00 or so much thereof as may be necessary to carry out the purposes of this act.

18. This act shall take effect immediately but remain inoperative for 120 days following enactment.

Approved January 9, 1974.

CHAPTER 376

AN ACT concerning the authorization, acquisition, financing, selling, and leasing of industrial pollution control facilities; authorizing the creating of industrial pollution control financing authorities; defining the powers thereof; authorizing the issuance of bonds and notes by such authorities for financing industrial pollution control facilities; and providing for the terms and security thereof.

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

C. 40:37C-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Industrial Pollution Control Financing Law."

C. 40:37C-2 Policy declaration.

2. The Legislature hereby finds and declares that there is an urgent need to protect and enhance the quality of the natural environment; that to reduce, abate and prevent environmental pollution, quality standards have been and will be established necessitating the employment of devices, equipment and facilities for the collection, reduction, treatment and disposal of gaseous, liquid and solid wastes or other contaminants deriving from the operation of public utility, industrial, manufacturing, warehousing, commercial, office and research facilities; that it is desirable to provide additional and alternative methods of financing the costs of the acquisition and installation of the devices, equipment and facilities required to comply with the quality standards which will accelerate the abatement process; and that the alternative method of financing provided in this act is in the public interest and serves a public purpose in encouraging the protection of the health, welfare and safety of the citizens of this State.

C. 40:37C-3 Definitions.

3. In this act, unless the context otherwise clearly requires, the terms used herein shall have the meanings ascribed to them as follows:

“Act” means this New Jersey Industrial Pollution Control Financing Law.

“Authority” means an industrial pollution control financing authority created pursuant to this act;

“Bonds” means any notes, bonds and other evidences of indebtedness or obligations of any agency.

“County” means any county of any class.

“Governing body” means the board of chosen freeholders.

“Person” means any individual, partnership, firm, company, corporation, public utility, association, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

“Pollution” means any form of environmental pollution deriving from the operation of public utility, industrial, manufacturing, warehousing, commercial, office or research facilities, including, but not limited to, water pollution, air pollution, pollution caused by solid waste disposal, thermal pollution, radiation contamination, or noise pollution as determined by the various standards prescribed by this State or the Federal Government and including, but not limited to, anything which is considered as pollution or environmental damage pursuant to the laws, rules and

regulations administered by the Department of Environmental Protection as established by P. L. 1970, c. 33 (C. 13:1D-1 et seq.), and any amendments and supplements thereto.

“Pollution control facilities” means any structures, facilities, systems, fixtures, lands and rights in lands, improvements, appurtenances, machinery, equipment or any combination thereof designed and utilized for the purpose of reducing, abating or preventing pollution, deriving from the operation of public utility, industrial, manufacturing, warehousing, commercial, office or research facilities and provided that the State Department of Environmental Protection and the board of freeholders certify that any such facility does not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority.

“Project costs” as applied to pollution control facilities financed under the provisions of this act means the sum total of all reasonable or necessary costs incident to the acquisition, construction, reconstruction, repair, alteration, improvement and extension of such pollution control facilities including, but not limited to, the cost of studies and surveys; plans, specifications, architectural and engineering services; organization, marketing or other special services; legal financing, acquisition, demolition, construction, equipment and site development of new and rehabilitated buildings; rehabilitation, reconstruction, repair or remodeling of existing buildings, fixtures, machinery and equipment; insurance premiums; and all other necessary and incidental expenses including an initial bond and interest reserve together with interest on bonds issued to finance such pollution control facilities to a date 6 months subsequent to the estimated date of completion and such other reserves as may be required by resolution of an agency.

C. 40:37C-4 Creation of authority; procedure; membership, terms, vacancies, quorum, officers, compensation, qualifications, removal.

4. a. Any county may create an authority under the provisions of this act which shall be a public body corporate and politic and a political subdivision of the State for the purpose of acquiring, constructing, reconstructing, repairing, altering, improving, extending, owning, leasing, financing, selling, maintaining, operating and disposing of pollution control facilities within such county provided that the Department of Environmental Protection certifies that the proposed undertaking of the authority is the proper method of solving the problem under consideration.

b. The authority shall be created by resolution and shall be known as the "Industrial Pollution Control Financing Authority of," inserting all or any significant part of the name of the county creating the authority. The authority shall constitute an agency and instrumentality of the county creating it.

c. An authority shall consist of five members appointed by resolution of the governing body of the county which created such authority.

Members shall serve for terms of 5 years, provided that the members first appointed shall be designated by the resolution of appointment to serve for terms expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after such appointment. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment but for the unexpired term only.

d. The governing body of any county which has created an authority may dissolve the authority by resolution on condition that the authority has no debts or obligations outstanding or that provision has been made for the retirement of such debts or obligations. Upon any such dissolution, all property, funds and assets of the authority shall be vested in the county which created the authority.

e. A certified copy of each resolution creating or dissolving an authority and each resolution appointing members thereto shall be filed in the office of the Secretary of State. A copy of any such certified resolution, certified by or on behalf of the Secretary of State, shall be conclusive evidence of the due and proper creation or dissolution of the authority or the due and proper appointment of the member or members named therein.

f. The powers of an authority shall be vested in the members thereof from time to time and three members shall constitute a quorum. Action may be taken and motions and resolutions adopted by an agency at any meeting thereof by the affirmative vote of at least three members of the authority.

No vacancy in the membership of an authority shall impair the right of a quorum of the members thereof to exercise all the powers and perform all the duties of the authority.

g. At the first meeting of any authority and thereafter on or after February 1 in each year, the members shall elect from among their number a chairman and vice chairman who shall hold office until February 1 next ensuing and until their respective successors

have been appointed and qualified. Every authority also may appoint, without regard to the provisions of Title 11 of the Revised Statutes, a secretary, treasurer and such other officers, agents and employees as it may require.

h. The members of an authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their official duties.

i. No member, officer or employee of an authority, nor member of their family, shall have or acquire any interest, direct or indirect in any pollution control facilities undertaken or planned by the authority or in any contract or proposed contract for materials or services to be furnished to or used by the authority, but neither the holding of any office or employment in the government of any county or municipality or under any law of the State shall be deemed a disqualification for membership in or employment by an authority, except as may be specifically provided by law, and members of the governing body of a county may be appointed by such governing body and may serve as members of the authority. A member may be removed only by the governing body by which he was appointed for inefficiency or neglect of duty or misconduct in office or conviction of a crime, and after he shall have been given a copy of the charges against him and, not sooner than 10 days thereafter, had the opportunity in person or by counsel to be heard thereon by such governing body.

C. 40:37C-5 Powers of authority.

5. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

- a. to have perpetual succession as a public body corporate and politic;
- b. to adopt by laws for the regulation of its affairs and the conduct of its business;
- c. to sue and to be sued;
- d. to have and to use a corporate seal and to alter the same at pleasure;
- e. to maintain an office at such place or places within the county as it may designate;
- f. to acquire after a public notice has been given at least 20 days prior thereto in a newspaper of general circulation in the area

served by the authority, in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper any land and other property which it may determine is reasonably necessary for any of its pollution control facilities.

g. to determine, with the approval of the State Department of Environmental Protection, the location and manner of construction of pollution control facilities to be financed under the provisions of this act, and to acquire, construct, reconstruct, repair, alter, improve, extend, own, lease, finance, sell, maintain and dispose of the same and to enter into contracts for any and all of such purposes, and to designate persons as its employees and agents to accomplish the same;

h. to lease to a person or persons any or all of the pollution control facilities upon such terms, conditions and guarantees as the authority shall deem proper, and to charge and collect rent and fees therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, provisions that the lessee or lessees thereof, and any guarantor of such lease, shall have upon the termination of the lease term options to renew the term of the lease for such period or periods and at such rent as shall be determined by the authority or to purchase any or all of the pollution control facilities for a nominal amount or otherwise or that upon payment of all of the indebtedness incurred by the authority for the financing of such pollution control facilities the authority may convey any or all of the pollution control facilities to the lessee or lessees thereof;

i. to sell to a person or persons any or all of the pollution control facilities upon such terms and conditions as the authority shall deem proper including the right to receive for such sale the note or notes of the person or persons purchasing the facility;

j. to acquire, hold, pledge, mortgage and dispose of real and personal property in the exercise of its powers and performance of its duties under this act;

k. to invest and reinvest bond proceeds pending application to the purposes for which such bonds were issued and other funds under its control, subject only to the provisions of any bond resolution, lease or other agreement entered into by such authority;

l. to issue bonds in such principal amounts as, in the opinion of such authority, shall be necessary to provide sufficient funds to

carry out the purpose of this act, including the planning, financing, acquisition, construction and other project costs of pollution control facilities, the payment of interest on the bonds of the authority, the provision for working capital and all other expenditures of the agency incident to and necessary or convenient for carrying out its purposes and powers and to refund the same, all as provided for in this act;

m. to employ engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents, without regard to the provisions of Title 11, Civil Service, as may be necessary in its judgment and to fix their compensation;

n. to receive and accept from any public agency loans or grants for or in aid of the construction of pollution control facilities and any portion thereof, or for equipping the same, and to receive and accept grants, gifts or other contributions from any source;

o. to refund, after public notice has been given, outstanding obligations incurred by any agency or any person to finance the cost of pollution control facilities, including obligations incurred for pollution control facilities undertaken and completed after the enactment of this act when the authority finds that such financing is in the public interest; and

p. to do all things necessary and convenient to carry out the purposes of this act.

C. 40:37C-6 Payments for sale or lease of facilities.

6. Any sale or lease of pollution control facilities entered into pursuant to the provisions of this act shall provide for payments or rentals adequate to pay the principal of and interest and premiums, if any, on bonds issued to finance such facilities as the same fall due and to create and maintain such reserves and accounts for depreciation, if any, as the authority shall determine to be necessary.

C. 40:37C-7 Inapplicable laws.

7. No authority shall be subject to the provisions of chapters 32 to 36, inclusive, of Title 52 of the Revised Statutes or the "Local Public Contracts Law" (P. L. 1971, c. 198) (N. J. S. 40A:11-1, et seq.) in the exercise of any of its powers under this act.

C. 40:37C-8 Issuance of bonds.

8. All bonds issued by an authority may be issued as serial bonds or as term bonds or a combination of both types. Such bonds shall

be payable solely out of the revenues and receipts derived from the leasing or sale by the authority of the pollution control facilities acquired with the proceeds thereof as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds may be executed and delivered by the authority at any time and from time to time, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, be executed by the manual or facsimile signatures of such officers of the authority and contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the authority. If deemed advisable by the authority, there may be retained in the proceedings under which any bonds are authorized to be issued a right or option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings, but nothing herein contained shall be construed to confer on any authority the right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds may be sold at public or private sale for such price or prices and in such manner and at such time or times as may be determined by the authority and the authority may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance thereof. Issuance by the authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same pollution control facilities or any other pollution control facilities or for any other purpose hereunder, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge made for any prior issue of bonds. Any bonds at any time outstanding may at any time and from time to time be refunded by the issuance of refunding bonds in such amount as the authority may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums, commissions, service fees and other expenses necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds

and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of all or so many of the holders of the bonds so to be refunded as may be determined and regardless of whether or not the bonds to be refunded were issued in connection with the same pollution control facilities or separate pollution control facilities or for any other purpose hereunder, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. All such bonds and the interest coupons applicable thereto, if any, are hereby made and shall be construed to be negotiable instruments within the meaning, and for all purposes, of Title 12A, Commercial Transactions, of the New Jersey Statutes (N. J. S. 12A:1-101 et seq.) with the exception of any provisions thereof pertaining to registration.

C. 40:37C-9 Security for bonds.

9. The principal of and interest and premiums, if any, on any bonds issued by an authority shall be secured by a mortgage or pledge of the revenues and receipts out of which the same shall be made payable and may be secured by the pledge of all or any part of the assets of such authority, subject to such agreements with bondholders as may then prevail. The resolution under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of the properties covered thereby; the fixing, collection and use of rents for any portions thereof leased by the authority to others; the determination, collection and application of payments to be received for the sale of any properties covered thereby; the creation and maintenance of special funds from such revenues or receipts and the limitations on the purpose to which the proceeds from the sale of the bonds may be applied and pledging such proceeds to secure the payment of the bonds; the limitations on the issuance of additional bonds and on the refunding of outstanding or other bonds; the procedure, if any, by which the terms of any such agreement may be amended or abrogated; and the rights and remedies available in the event of default, including the designation of a trustee, all as the authority shall deem advisable and not in conflict with the provisions hereof. Each pledge and agreement made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest and premiums, if any, on the bonds for the benefit of which the same were made shall have been fully paid

or provision for such payment duly made. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any indenture executed as security therefor, said payment or agreement may be enforced by suit, action in lieu of prerogative writ, or the appointment of a receiver in equity, or any one or more of said remedies.

As further security for the bonds, an authority may enter into contracts of insurance assuring that the principal of and interest on such bonds will be paid and that rental payments, installment payments or other payments to be made by the user of the facilities will be made; provided, however, that the authority shall not be obligated under the terms of such policy to any greater extent than allowed by the provisions of this act. The cost of any such insurance contract may be paid out of the proceeds of the sale of the bonds so insured.

C. 40:37C-10 Bonds not deemed liability of State.

10. Bonds issued under the provisions of this act shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof, but shall be payable solely from the funds herein provided therefor. The issuance of bonds under the provisions of this act shall not, directly, indirectly or contingently, obligate the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. Nothing in this act shall be construed to authorize an agency to create a debt of the State or any county or municipality within the meaning of the Constitution or statutes of New Jersey and all bonds issued by such authority pursuant to the provisions of this act, unless funded or refunded pursuant to this act, are payable and shall state that they are payable solely from the funds pledged for their payment in accordance with the resolution authorizing their issuance or in any indenture executed as security therefor. The State, county, and municipality shall not in any event be liable for the payment of the principal of or interest or premiums, if any, on any bonds of an authority or for the performance of any pledge, obligation or agreement of any kind whatsoever which may be undertaken by such authority. No breach by an authority of any such pledge, obligation or agreement may impose any pecuniary liability upon the State, county or municipality or any charge upon their general credit or against their taxing power.

The State, however, does pledge and agree with the holders of any bonds issued under this act that it will not limit or alter the rights hereby vested in any authority to fulfill the terms of any agreements made with the holders thereof consistent herewith, or in any way impair the rights and remedies of such holders until such bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses for which the authority is liable in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. Any authority is authorized to include this pledge and agreement of the State in any agreement it may make with the holders of such bonds.

C. 40:37C-11 Certification of Commissioner.

11. Before any authority adopts a resolution authorizing the issuance of bonds and as a condition precedent to any such authority to issue bonds, the Commissioner of Environmental Protection must first have certified that the facilities to be financed are or, when constructed, will be pollution control facilities as defined in this act.

C. 40:37C-12 Exemption from taxation.

12. All bonds issued pursuant to the act are hereby declared to be issued for an essential public and governmental purpose and such bonds, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the issuing authority and pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

C. 40:37C-13 Conveyance of title in facilities.

13. When the principal of and interest on bonds issued by an authority to finance the cost of a particular pollution control facility, including any refunding bonds issued to refund and re-finance such bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution and the indenture authorizing and securing the same have been satisfied, such authority may do all things and execute such deeds and conveyances as are necessary and required to convey its right, title and interest in such pollution control facilities for a nominal amount or otherwise.

C. 40:37C-14 Requirements for creation of authority.

14. Except as herein provided, no proceedings, referendum, notice or approval shall be required for the creation of an authority or the issuance of any bonds or any instrument as security therefor, provided however, that nothing herein shall be construed to deprive the State and its governmental subdivisions of their respective police powers over properties of an authority, or to impair any power thereover of any official or agency of the State and its governmental subdivisions which may be otherwise provided by law.

C. 40:37C-15 Authorized investments.

15. The State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance businesses and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking fund, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by any authority created pursuant to this act, and such bonds or other obligations shall be authorized security for any and all public deposits.

C. 40:37C-16 Effect of powers conferred by act.

16. The powers conferred by this act shall be in addition and supplementary to those in other laws and the limitations by this act shall not affect the powers conferred by any other law.

C. 40:37C-17 Severability.

17. The provisions of this act shall be severable, and if any of the provisions hereunder shall be held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this act.

C. 40:37C-18 Annual audit.

18. It shall be the duty of every authority created pursuant to this act to cause an annual audit of the accounts of the authority to be made and filed with the authority, and for this purpose the authority shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey. The audit shall be completed and filed with the authority within 4 months after the close of the fiscal year of the authority and a certified

duplicate copy thereof shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within 5 days after the original report is filed with the authority. Every authority created pursuant to this act shall file a certified copy of every bond resolution with the Director of the Division of Local Government Services in the Department of Community Affairs and in addition shall file a certified copy of all bond proceedings with the director.

19. This act shall take effect immediately.

Approved January 9, 1974.

CHAPTER 377

AN ACT to amend "An act providing for the establishment, development, improvement and expansion of community mental health services and providing for payment by the State of financial grants-in-aid for community mental health projects," approved July 15, 1957 (P. L. 1957, c. 146).

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

1. Section 9 of P. L. 1957, c. 146 (C. 30:9A-9) is amended to read as follows:

C. 30:9A-9 Grants and expenditures.

9. a. Reimbursement grants shall be paid to an eligible sponsoring agency from State funds in an amount not exceeding 60% of the allowable expenditures for each project approved by the commissioner. Allowable expenditures shall include expenditures other than capital expenditures for such purposes as the commissioner shall, by regulation, determine to be necessary or required to carry out the mental health project, except that expenditures for rental or improvements to premises used for the project shall not be included. The total of the annual reimbursement grants from State funds for all community mental health projects, exclusive of capital expenditures, in any one county shall not exceed an amount equal to \$1.00 multiplied by the population of that county.

To permit initiation or expansion of services, the commissioner may make payments in advance to any sponsoring agency of

amounts not to exceed 25% of the amount of an approved annual grant to the agency.

b. Claims for State reimbursement to the sponsoring agency shall be made in accordance with the regulations of the department.

2. This act shall take effect immediately.

Approved January 14, 1974.

CHAPTER 378

AN ACT authorizing the establishment of a State fire engine and equipment museum, providing for an advisory commission in connection therewith and making an appropriation therefor.

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

1. The Commissioner of Environmental Protection, with the advice of a nine-member advisory commission to be appointed by the Governor, is authorized to select an appropriate site for a State fire engine and equipment museum in one of the State parks, cause architectural plans for such a museum to be prepared, and arrange for construction of the museum in such phases and at such times as funds therefor are appropriated or otherwise made available.

2. The Department of Environmental Protection, with the approval of the Governor, is authorized to accept contributions towards the cost of such a museum in accordance with P. L. 1948, c. 448, s. 114 (C. 13:1B-63).

3. There is appropriated to the Department of Environmental Protection for the purpose of preparing plans authorized by this act the sum of \$10,000.00.

4. This act shall take effect immediately.

Approved January 14, 1974.

CHAPTER 379

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, 1974 and regulating the disbursement thereof,” approved June 26, 1973 (P. L. 1973, c. 188).

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

1. There is hereby appropriated from the General Treasury to the Department of Environmental Protection for weed control purposes in Lake Hopatcong the sum of \$50,000.00.

2. This act shall take effect immediately.

Approved January 14, 1974.

CHAPTER 380

AN ACT prohibiting discrimination in the public schools of this State.

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

C. 18A:36-20 Discrimination prohibited.

1. No pupil in a public school in this State shall be discriminated against in admission to, or in obtaining any advantages, privileges or courses of study of the school by reason of race, color, creed, sex or national origin.

2. This act shall take effect immediately.

Approved January 14, 1974.

CHAPTER 381

AN ACT concerning State aid for the construction of public library buildings and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:74-14 Short title.

1. This act shall be known as the "New Jersey Library Construction Incentive Act."

C. 18A:74-15 Policy declaration.

2. It is hereby declared to be the public policy of the State of New Jersey to encourage, promote and support the extension of public library services by aiding in the construction and expansion of public library buildings.

C. 18A:74-16 Definitions.

3. For the purposes of this act unless the context clearly indicates otherwise:

a. "Act" means the "New Jersey Library Construction Incentive Act."

b. "Area" means all or part of one or more political subdivisions of the State of New Jersey.

c. "Project," "construction project," "rehabilitation project," "expansion" or "acquisition," means a project which is eligible for a grant under regulations and standards promulgated under this act. When used alone, "project" means any construction, expansion, or rehabilitation project or acquisition.

d. "Public library" means a library that serves free of charges all residents of an area without discrimination and receives its financial support, in whole or in part, from public funds. "Public library" does not include any special-purpose library, such as a law, medical, school or academic library, which are organized to serve a special clientele or purpose.

e. "Authorized applicant" means a public library as defined in paragraph d. hereof.

f. "Eligible project costs" means costs incurred in a project approved by the Commissioner of Education, a portion of which may be reimbursed.

g. "Commissioner" means the Commissioner of Education of the State of New Jersey or his designated representative.

h. "Fiscal year" means the period between July 1 of any calendar year and June 30 of the next succeeding calendar year.

C. 18A:74-17 Rules and regulations.

4. The administration of this act shall be governed by rules and regulations, recommended by the Advisory Council of the Division of the State Library, Archives and History, and promulgated by the commissioner with the approval of the State Board of Education.

C. 18A:74-18 Applications for grants.

5. In order to participate in any grant made according to the provisions of this act, the applicant shall comply with the rules and regulations adopted as provided in section 4 of this act. Application for grants under this act shall be made to the commissioner on forms specified in said rules and regulations. Applications shall be approved by the commissioner in accordance with said rules and regulations. The commissioner is hereby empowered to withhold any grants from any public library which does not comply with said rules and regulations.

C. 18A:74-19 Reimbursement for project costs.

6. The State shall reimburse each authorized applicant whose application has been approved for a portion of its eligible project costs, determined in accordance with the rules and regulations promulgated pursuant to this act.

C. 18A:74-20 Project costs eligible for grants.

7. The following project costs shall be eligible for grants, at the discretion of the commissioner, when incurred after the date of project approval, or after such date as is indicated in paragraphs 3 and 5 of this section:

a. Construction of new buildings to be used for public library purposes.

b. Expansion, rehabilitation or acquisition of existing buildings to be used for public library purposes.

c. Expenses (other than interest and the carrying charge on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library purposes which are incurred within the 3 fiscal years preceding the fiscal year in which the project is approved by the commissioner, provided such expenses constitute an

actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions.

d. Site grading and improvement of land on which buildings used for public library purposes are located or are to be located.

e. Architectural, engineering, consulting and inspection services related to the specific project for which application for financial assistance is made, provided the costs of such services are incurred within 3 fiscal years preceding the year in which the project is approved by the commissioner.

f. Expenses (other than interest and the carrying charges on bonds) related to the acquisition of existing buildings to be used for public library purposes, provided such expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions.

g. Expenses relating to the acquisition and installation of initial equipment to be located in public library facilities, provided by a construction project, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, card catalogs, cabinets, circulation desks, reading tables, study carrels, booklifts, elevators and information retrieval devices (but not books or other library materials).

C. 18A:74-21 Use of projects by handicapped persons.

8. The commissioner shall require that projects constructed with the use of State funds under this act shall, to the extent appropriate be accessible to and usable by handicapped persons.

C. 18A:74-22 Credit for certain equipment or land.

9. Whenever public library facilities, items of equipment or land to which the State has contributed funds under this act are not used for the purposes authorized by the act, the commissioner may require that the State be credited with its proportionate share of the fair market value of such facilities, equipment, or land. All moneys so credited shall be remitted to the Treasurer of the State of New Jersey. In no event, however, may the commissioner require that the State be so credited when such facilities, equipment or land have been used in excess of 20 years for the purposes authorized by this act.

C. 18A:74-23 Costs of administration and supervision; limitation.

10. All costs attributable to the administration and supervision of this act and the rules and regulations promulgated thereunder shall not exceed 8% of the total amount appropriated annually for the purposes of this act.

11. There is hereby appropriated for the purposes of this act \$190,000.00 and such sums as may be included therefor in any annual or supplemental appropriation act.

12. This act shall take effect July 1 next following enactment.

Approved January 14, 1974.

CHAPTER 382

AN ACT to authorize the borough of Seaside Heights, in the county of Ocean to make permanent the appointment of Nathan G. Horowitz to the police department of the borough of Seaside Heights.

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

Private act.

1. The borough of Seaside Heights in the county of Ocean is authorized to make permanent the appointment of Nathan G. Horowitz, to the police department of the borough of Seaside Heights notwithstanding that he is unable to pass the physical examination required by the rules and regulations of the Civil Service Commission due to varicose veins in his legs, and provided he meets all other requirements.

2. This act shall take effect upon due adoption and publication of an ordinance of the borough of Seaside Heights for the purpose of adopting the same.

Approved January 14, 1974.

CHAPTER 383

AN ACT to authorize the borough of Seaside Heights, in the county of Ocean to make permanent the appointment of Hervey J. Mobus, Jr., to the police department of the borough of Seaside Heights.

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

Private act.

1. The borough of Seaside Heights in the county of Ocean is authorized to make permanent the appointment of Hervey J. Mobus, Jr., to the police department of the borough of Seaside Heights notwithstanding that he is unable to qualify high enough on any civil service physical examination for appointment in order to permit the borough of Seaside Heights to appoint him as required by the rules and regulations of the Civil Service Commission due to lung and kidney damage from bullet wounds he has received, and provided he meets all other requirements.

2. This act shall take effect upon due adoption and publication of an ordinance of the borough of Seaside Heights for the purpose of adopting the same.

Approved January 14, 1974.

CHAPTER 384

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, 1974 and regulating the disbursement thereof," approved June 26, 1973 (P. L. 1973, c. 188).

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

1. The following sums are hereby appropriated out of the General Treasury, for the purposes specified:

540. DEPARTMENT OF HIGHER EDUCATION

RUTGERS, THE STATE UNIVERSITY

a. 572-100. AGRICULTURAL EXPERIMENT STATION

Matching grants to be provided by the Department of

Agriculture to soil conservation districts \$100,000

b. 572-170. AGRICULTURAL EXPERIMENT STATION

(1) Blueberry-Cranberry Research Station at Oswego \$195,000

(2) Research and Development Center, Centerton .. 45,000

(3) Fruit Research Center, Cream Ridge 30,000

Sub-Total Appropriation \$270,000

Total Appropriation, Department of Higher
Education \$370,000

2. This act shall take effect immediately.

Approved January 14, 1974.

CHAPTER 385

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, 1974, and regulating the disbursement thereof,” approved June 26, 1973 (P. L. 1973, c. 188).

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

1. The following sums are hereby appropriated out of the General Treasury for the purposes specified:

540. DEPARTMENT OF HIGHER EDUCATION

540-150. Education Purposes—State Aid

Aid to independent colleges and universities, pursuant
to N. J. S. 18A:72B-1 \$1,750,000

2. This act shall take effect immediately.

Approved January 14, 1974.

CHAPTER 386

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, 1974, and regulating the disbursement thereof,” approved June 26, 1973 (P. L. 1973, c. 188).

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

1. The following sum is hereby appropriated out of the General Treasury for the purpose specified:

NEW JERSEY HEALTH CARE FACILITIES FINANCING AUTHORITY

Extraordinary:

To implement the provisions of P. L. 1972, c. 29 (C. 26:21-1 et seq.) “New Jersey Health Care Facilities Financing Authority Law” by providing funds to the New Jersey Health Care Facilities Financing Authority to carry out the purposes of said act \$35,000

2. Such appropriation shall be repaid to the General State Fund as soon as practicable out of the proceeds of bonds issued by the authority or other available funds.

3. The sum hereinabove appropriated shall also be available for payment of bills incurred in the fiscal year ending June 30, 1973.

4. This act shall take effect immediately.

Approved January 14, 1974.

JOINT RESOLUTIONS

(1097)

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION establishing a Blue Star Memorial Byways Program and prescribing its functions and duties.

WHEREAS, By Joint Resolution No. 11, adopted August 23, 1948, it was resolved: that there is hereby established in the State Highway Department a Blue Star Memorial Highway Council; and

WHEREAS, It is the desire of the Department of Transportation, of the State of New Jersey, the Garden Club of New Jersey, and the Blue Star Memorial Highway Council to memorialize certain roadside areas of State highway routes to honor the men and women of New Jersey who served in time of conflict in the nation's armed forces.

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

1. That, in addition to the powers vested in the Blue Star Memorial Highway Council by Joint Resolution No. 11 of 1948, there is hereby established the Blue Star Memorial Byways Program.

2. The Blue Star Memorial Highway Council shall supervise the activities of the Blue Star Memorial Byways Program.

3. The Department of Transportation of the State of New Jersey shall, in cooperation with the Garden Club of New Jersey, designate certain roadside areas within the right-of-way of State highway routes as portions of the Blue Star Memorial Byways Program.

4. The Department of Transportation of the State of New Jersey shall, in cooperation with the Garden Club of New Jersey, design, plant and maintain the designated areas, subject to the availability of funds.

5. The Department of Transportation of the State of New Jersey shall, in cooperation with the Garden Club of New Jersey, design, construct, install and maintain Blue Star Memorial Byways

markers at each Blue Star Memorial Byways project, within the limitations of appropriations therefor.

6. No funds shall be allocated, approved or expended in furtherance of the Blue Star Memorial Byways Program without the approval, in writing, of the Commissioner of Transportation, of New Jersey Department of Transportation, or his duly authorized representative.

7. This joint resolution shall take effect on the first day of the month following enactment.

Approved January 11, 1973.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION reconstituting the Family Court Study Commission created by 1968 Joint Resolution No. 12 and reconstituted by 1971 Joint Resolution No. 1.

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

1. The Family Court Study Commission, created by 1968 Joint Resolution No. 12 and reconstituted by 1971 Joint Resolution No. 1, is hereby reconstituted with the same membership, powers and duties as heretofore provided.

2. Any vacancy in the membership of the commission shall be filled in the manner provided as to the original appointment.

3. The commission may engage such counsel and expert advisers as it deems necessary or advisable within the limits of such funds appropriated or otherwise made available to it.

4. The commission shall report its findings and recommendations to the Governor and the Legislature as soon as practicable, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

5. This joint resolution shall take effect immediately.

Approved January 11, 1973.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION creating a commission to recommend improvements in the county penal system of New Jersey.

WHEREAS, There are a number of archaic physical plants in the county penal system; and

WHEREAS, Overcrowded conditions in county jails are aggravated by the necessity for a physical facility for the holding of dangerous prisoners who are awaiting trial; and

WHEREAS, The present facilities and programs provide inadequate rehabilitation programs; and

WHEREAS, Because of lack of space first offenders are intermingled with chronic repeaters; and

WHEREAS, Short-term prisoners need special institutions, such as farms, camps and workhouses, which can provide full time employment and remedial services; and

WHEREAS, Financial limitations may make such facilities in each county impractical; now, therefore

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

1. There is hereby created a commission known as the County Penal System Study Commission consisting of nine members, three to be appointed by the President of the Senate, three to be appointed by the Speaker of the General Assembly, and three to be appointed from the citizenry of the State at large by the Governor, no more than two of any such group of three shall be of the same political party. The Governor shall designate one of the nine members as Chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments made.

2. The commission shall organize as soon as may be after the appointment of its members and may select a vice chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of the commission:

(a) To study the subject of county prisons and to evaluate the physical conditions and programs presently existing therein;

(b) To inquire specifically into the adequacy of and location of present facilities;

(c) To review security regulations and procedures;

(d) To study the advisability of an expanded program of State inspection and technical assistance and increased use of existing community resources for rehabilitation programming such as work and study release;

(e) To make recommendations as to the possibility of state and intercounty cooperation and sharing of facilities;

(f) To evaluate the classification procedures used to segregate different types of prisoners; and

(g) To study all such other matters relating to the subject of county prisons as the commission may deem appropriate and to evaluate the financial impact of any recommendations it shall make.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic, clerical, technical and expert assistance and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and the Legislature, as soon as may be, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. This joint resolution shall take effect immediately.

Approved February 27, 1973.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION directing the New Jersey Intergovernmental Relations Commission with the assistance of the Inter Agency Task Force to conduct a feasibility study in relation to including the southern area of Hudson county as part of the comprehensive

plan for the development of the terminal and transportation facilities of the Port of New York district.

WHEREAS, There exists a comprehensive plan adopted by the States of New York and New Jersey for the development of terminal and transportation facilities in the Port of New York district; and

WHEREAS, The Port of New York Authority has been specifically authorized to undertake the effectuation of said comprehensive plan; and

WHEREAS, There exists an area in the southern part of Hudson county, within the Port of New York district, whose inclusion in the existing comprehensive plan is vital to the economic well-being of the Northern New Jersey-New York Metropolitan area, that area being the area connected by the Bayonne bridge to Richmond county, New York and through the cities of Bayonne and Jersey City to the vicinity of Journal Square, Jersey City, in which area there are presently existing rail transit lines of the Jersey Central railroad; and

WHEREAS, A study is necessary to determine the feasibility of including the southern area of Hudson county, as part of the comprehensive plan adopted by the States of New York and New Jersey and as part of the effectuation of that plan; now, therefore

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

1. The New Jersey Intergovernmental Relations Commission is hereby authorized and directed to conduct a study of the feasibility of including as part of the effectuation of the comprehensive plan heretofore adopted by the States of New York and New Jersey for the development of terminal and transportation facilities in the Port of New York district the following area:

That southern part of Hudson county wherein the city of Bayonne is connected by rail lines or bridges with the county of Richmond, New York and extending through the city of Bayonne over existing rail transit lines of the Jersey Central railroad to the National Docks line in the city of Jersey City and connecting with the Hudson tubes; also that area proceeding westward at Sixtieth street, Bayonne, over the Lehigh Valley railroad bridge to Port

Newark, Newark airport terminal and connecting with the Hudson tubes or any proposed Hudson tubes extension.

2. The commission is directed to complete its study within 90 days after the effective date of this joint resolution and to report its findings and recommendations to the Governor and Legislature.

3. The commission is directed to consult with the Inter Agency Task Force and to request their cooperation and assistance in conducting the feasibility study pursuant to section 1 of this joint resolution.

4. This joint resolution shall take effect immediately.

Approved March 2, 1973.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION dedicating Memorial Day, 1973, in this State to the honor of the prisoners of war now returning from Viet Nam, urging appropriate ceremonies and observances in connection with said dedication, and directing the issuance of an appropriate proclamation by the Governor.

WHEREAS, Memorial Day, which will occur this year on May 28, was instituted to honor the services and sacrifices of those who have responded to their country's call in times of war and national peril, and as an occasion for the people of this Nation to rededicate themselves to the patriotic ideals which animated those who fought and died; and

WHEREAS, A special meaning is lent to Memorial Day this year by the termination of combat by Americans in Viet Nam and by the return of prisoners of war, many of them after long years of captivity, whose ordeals symbolize the services and sacrifices of many others who are also returning from the field of combat, or who will never return; now, therefore

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

1. Memorial Day, 1973, in New Jersey shall be specially dedicated to the honor of the returning prisoners of war and to those who have fallen in combat, and for the commemoration of the steady

patriotic devotion which sustained them in their ordeal and has sustained many others who were called upon for service and sacrifice in this long and bitter conflict.

2. The people of New Jersey, in their several communities, churches, schools and other institutions and organizations, are urged to observe this special dedication through appropriate ceremonies and other observances connected with their commemoration of Memorial Day in this year.

3. The Governor of this State shall issue his proclamation, appropriately proclaiming the aforesaid dedication and observance.

4. This joint resolution shall take effect immediately.

Approved April 16, 1973.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION creating a commission to study private pension and retirement plans, systems and programs.

WHEREAS, A thorough study of private pensions and retirement plans, systems and programs is essential to form a basis for appropriate State action and to formulate recommendations as to Federal action deemed essential to protect the interests of employees and to govern the standards of conduct of the managers and fiduciaries of the funds of such plans and systems.

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

1. There is hereby created a commission to consist of two members of the Senate to be appointed by the President thereof, two members of the General Assembly appointed by the Speaker thereof, the Director of the Division of Pensions and six citizens of the State, representative of labor, management and the public at large, to be appointed by the Governor. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said commission to study private pension and retirement plans, systems and programs with respect to their funding, guaranty of benefits, transferability of benefits, and administration including standards of conduct and performance of managers and fiduciaries of funds thereof with the ends in view of determination of the areas in which State regulation may be effective and those in which action by the Federal Government is indicated.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations on or before December 31, 1973 to the Governor and the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature, and, where appropriate, to the members of the Congress elected from New Jersey.

6. This joint resolution shall take effect immediately.

Approved May 9, 1973.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION requesting the Department of Environmental Protection to prepare a proposal for having the Mullica river declared part of the national system of wild and scenic rivers.

WHEREAS, It is the policy of the United States that selected rivers of the Nation shall be preserved in their free-flowing condition and, with their immediate environments, shall be protected for the benefit and enjoyment of present and future generations;

WHEREAS, New Jersey is the most densely populated State in the Nation and is continuing to develop at a rapid rate and is therefore in great need of preserving the recreational, conservational and environmental values found in its own scenic and natural areas;

WHEREAS, Certain selected rivers of New Jersey possess outstandingly remarkable scenic, recreational, geologic, fish, wildlife, historic, cultural values;

WHEREAS, The Mullica river, its outlet to the ocean, its tributaries, including the Bass river and that segment of the Wading river extending from the main branch of the Mullica river to Burlington County Route 563, and their immediate environs possess these same scenic, recreational, fish, wildlife and historical values;

WHEREAS, The Department of Environmental Protection is responsible for surveying the State to determine areas and sites which are suitable and desirable as State parks and recreational areas, because of their scenic, historic, recreational and other special features; and

WHEREAS, There is a provision for designating additional rivers as part of the national system of scenic and wild rivers, upon the completion of an appropriate study and upon the review of same by certain Federal and State agencies; now, therefore

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

1. The Department of Environmental Protection shall be authorized to prepare a proposal for the inclusion of the Mullica river, its tributaries (including the Bass river and that segment of the Wading river extending from the main branch of the Mullica river to Burlington County Route 563), Great Bay, Little Egg Inlet, Beach Haven Inlet and that portion of the Ocean adjacent to these inlets or some portion of the same into the national system of wild and scenic rivers. However, no portion of the Wading river extending northwardly of that point on Burlington County Route 563 known as Maxwell Bridge (also known as Evans Bridge) where the said route crosses the Wading river and no portion of the Oswego river extending northwardly of Harrisville pond, shall be included within the national system of wild and scenic rivers or said proposal. The study of said river shall be pursued in as close

cooperation as possible with appropriate agencies of the Federal, State, county and municipal governments and the Pinelands Environmental Council created pursuant to P. L. 1971, c. 417 (C. 13:18-1 et seq.). Said study shall contain recommendations to preserve the free flow of the Mullica river, to protect the water quality of said river, to preserve the agrarian economy of the area, and to fulfill other vital conservation purposes.

2. This joint resolution shall take effect immediately.

Approved September 25, 1973.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION requesting the Commissioners of Institutions and Agencies and Environmental Protection to prepare a plan for establishing, locating, operating, and financing a State veterans cemetery or cemeteries.

WHEREAS, There is presently under study in the United States House of Representatives Veterans Committee a full scale study to determine whether or not national cemeteries should be transferred to the jurisdiction of the Veterans Administration; and

WHEREAS, This study is also to determine whether or not expansion of existing cemeteries, as well as new cemeteries, are needed in the United States; and

WHEREAS, In the event the decision is made to authorize no further expansion, the State should have a plan for a State veterans cemetery or cemeteries; and

WHEREAS, There has been considerable interest in the creation of a State veteran cemetery, owned and operated by State Government; and

WHEREAS, There is available much State-owned land suitable for cemetery purposes which would preclude any cost for normal acquisition; and

WHEREAS, Many veterans organizations and Congressional Representatives of New Jersey have conducted studies concerning the need for the expansion of the present Beverly Cemetery, or for

the creation of a new veterans cemetery under the auspices of State Government; now, therefore,

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

1. The Legislature hereby requests that the Commissioner of Institutions and Agencies and the Commissioner of Environmental Protection prepare a plan for establishing, locating, operating, and financing a State veterans cemetery or cemeteries, and submit such plan to the Governor and Legislature by June 30, 1974.

2. This joint resolution shall take effect immediately.

Approved October 24, 1973.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION creating a commission to study and determine the proper balance between recreational and conservation uses of land acquired by the State, and to recommend the most feasible and practicable means of increasing the recreational facilities, amenities, and uses of such lands wherein and whereon such uses are appropriate.

WHEREAS, The State of New Jersey, pursuant to the "New Jersey Green Acres Bond Act of 1961" (P. L. 1961, c. 46) and the "New Jersey Green Acres Bond Act of 1971" (P. L. 1971, c. 165), has amply demonstrated a recognition that the provision of lands for public recreation and the conservation of natural resources promotes the public health, prosperity and general welfare, and is a proper responsibility of government; and

WHEREAS, The many thousands of acres of land that have already been acquired and will eventually be acquired under this legislation will be used for parks, natural areas, forests, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, winter sports, and similar uses for public outdoor recreation and conservation of natural resources; and

WHEREAS, While it would be neither appropriate nor feasible for all land so acquired, nor for all State land otherwise acquired,

to be used primarily for recreational as opposed to conservation purposes, the Legislature finds that the need for increased recreational facilities, amenities, and uses in this, the most densely populated State in the Nation, is great and growing; and

WHEREAS, The Legislature finds and declares that a special commission should be established for the purpose of studying and determining the proper balance between recreational and conservation uses of land acquired by the State, and recommending the most feasible and practicable means of increasing the recreational facilities, amenities, and uses of such lands wherein and whereon such uses are appropriate; now, therefore

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

1. There is hereby created a commission to consist of 12 members to be appointed as follows: two members of the General Assembly and two citizens of this State, appointed by the Speaker of the General Assembly; two members of the Senate and two citizens of this State, appointed by the President of the Senate; and four citizens of this State appointed by the Governor. No more than one of any group of two members of the commission appointed by the Speaker of the General Assembly and the President of the Senate, and no more than two of the four members appointed by the Governor, shall be of the same political party. Prior to making any appointments to the commission as herein provided, the Speaker of the General Assembly and the President of the Senate shall consult with the Governor to the end that all citizens appointed to the commission shall represent different geographical areas of the State of New Jersey.

2. The members of the commission shall serve without compensation but may be reimbursed for expenses incidental to their commission responsibilities and duties.

3. The commission shall meet at the call of the Governor as soon as practicable following appointment of its members and shall organize by the election from among its members of a chairman and the appointment of a secretary who need not be a member of the commission.

4. It shall be the duty of the commission to study the land acquisition practices, procedures and results of the State of New Jersey with a view towards determining the proper balance between recreational and conservation uses of land acquired by this

State pursuant to the "New Jersey Green Acres Bond Act of 1961" (P. L. 1961, c. 46) and the "New Jersey Green Acres Bond Act of 1971" (P. L. 1971, c. 165), and to recommend the most feasible and practicable means of increasing the recreational facilities, amenities, and uses of such lands, and all other lands otherwise acquired or owned by the State of New Jersey, wherein and whereon such uses are appropriate.

5. The commission may conduct public and private hearings as it may deem desirable, and shall have the power of subpoena as provided by law for legislative investigating committees. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county, or municipal department, board, bureau, commission, or agency in order to assist in the performance of its duties. In the course of its study the commission may consult with the Commissioner of Environmental Protection or any officer or employee of the Department of Environmental Protection designated by the commissioner thereof.

6. The commission may, within the limits of funds to be made available to it by appropriation or otherwise, employ and fix the compensation of legal, research, actuarial, secretarial, clerical, and other personnel, and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties.

7. The commission shall report its findings and recommendations to the Governor and the Legislature within 12 months from the date of its organization, accompanying the same with any legislative bills which it may desire to recommend for adoption. The commission may make such interim reports on legislation pending before the Legislature or as to other emergent matters as it shall determine.

8. This joint resolution shall take effect immediately.

Approved November 28, 1973.

AMENDMENT TO THE
1947 CONSTITUTION

Amendment to the 1947 Constitution

PROPOSED AMENDMENT ADOPTED

Amend Article I, paragraph 9 to read as follows:

9. The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil causes by a jury of six persons. The Legislature may provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetency without a jury.

2. When this proposed amendment to the Constitution is finally agreed to, pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than 3 months after such final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate and the Speaker of the General Assembly and the Secretary of State, not less than 3 months prior to said general election.

3. This proposed amendment to the Constitution shall be submitted to the people at said election in the following manner and form:

There shall be printed on each official ballot to be used at such general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

If you favor the proposition printed below make a cross (×), plus (+) or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (×), plus (+) or check (✓) in the square opposite the word "No."

1116 AMENDMENT TO THE 1947 CONSTITUTION

b. In every municipality the following question:

	Yes.	<p style="text-align: center;">JURY TRIALS</p> <p>Do you approve of the amendment to the Constitution of the State of New Jersey, agreed to by the Legislature, providing that the Legislature may authorize the trial of civil causes by a jury of not less than six persons.</p>
	No.	

Adopted December 6, 1973.

PROPOSED AMENDMENTS
TO THE 1947 CONSTITUTION
THAT HAVE BEEN REJECTED

Proposed Amendments to the 1947 Constitution that have been Rejected

PROPOSED AMENDMENT REJECTED

Amend Article II, paragraph 3, to read as follows:

3. (a) Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State for 6 months and of the county in which he claims his vote 40 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) Every citizen of the United States, of the age of 18 years, who shall have been a resident of the State and of the county in which he claims his vote 40 days, next before the election and who shall not be eligible to vote elsewhere, shall be entitled to qualify and to vote for electors for President and Vice-President of the United States, only, in such manner as the Legislature shall provide; and

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another State or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such State or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice-President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.

Rejected November 4, 1969.

PROPOSED AMENDMENT REJECTED

Amend Article II, paragraph 3, to read as follows:

3. (a) Every citizen of the United States, of the age of 19 years, who shall have been a resident of this State 6 months and of the county in which he claims his vote 40 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) Every citizen of the United States, of the age of 19 years, who shall have been a resident of the State and of the county in which he claims his vote 40 days, next before the election and who shall not be eligible to vote elsewhere, shall be entitled to qualify and to vote for elections for President and Vice-President of the United States, only, in such manner as the Legislature shall provide; and

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another State or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such State or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice-President of the United States, only, by Presidential Elector, Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.

Rejected November 3, 1970.

PROPOSED AMENDMENT REJECTED

Amend Article V, Section IV, paragraphs 2 and 3 to read as follows:

2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors.

3. The Secretary of State and the Attorney General shall be nominated and appointed by the Governor with the advice and consent of the Senate to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors.

Rejected November 7, 1972.

EXECUTIVE ORDERS

(1123)

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 42

WHEREAS, Sickle Cell Anemia, an hereditary blood disorder, is a serious health menace to a substantial portion of our population; and

WHEREAS, Few who contract it live beyond age thirty, adding another dimension to the day-to-day problems of life in our ghetto areas; and

WHEREAS, Current data indicates that 10% of the total Black population in New Jersey carry the genes which cause Sickle Cell Anemia; the disease is the cause of high infant mortality; those who have the disorder suffer periodic crises which are extremely painful and debilitating; and

WHEREAS, There exists at this time no known cure for Sickle Cell Anemia, and current attempts to combat Sickle Cell Disease are fragmented and there is no coordinated effort in the field of research, testing and treatment; and

WHEREAS, In addition to Sickle Cell Anemia there are other inherited hemoglobin disorders including Cooley's Anemia which are a serious health menace to a substantial portion of our population, and many of the victims live under circumstances which make it difficult to obtain adequate health services, and there exists at this time no known cure for these disorders;

NOW, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. That there is hereby established within the State Department of Health the New Jersey Sickle Cell Disease Study Commission which shall have the responsibility for the full examination of problems in New Jersey associated with Sickle Cell trait and disease, Cooley's Anemia and other related diseases of hemo-

globin, and to formulate recommendations for the development of a coordinated, effective, State-wide program to alleviate problems associated with Sickie Cell trait and disease, Cooley's Anemia and other related diseases of hemoglobin.

2. The Commission is also empowered to investigate and make recommendations with respect to the effectiveness of presently existing organizations and associations functioning to combat Sickie Cell Disease, Cooley's Anemia and other related diseases of hemoglobin, including fund raising organizations.

3. The New Jersey Sickie Cell Disease Study Commission shall consist of five persons, including the chairman, all of whom shall be appointed by and serve at the pleasure of the Governor and who shall be interested and knowledgeable in the field of health protection and familiar specifically with conditions and health care needs with respect to Sickie Cell Disease, Cooley's Anemia and other related diseases of the hemoglobin. The members of the Commission may elect from among themselves a vice-chairman; may appoint a secretary, who need not be a member of the Board; and may adopt bylaws and rules governing their work consistent with law. In the absence of the chairman, the vice-chairman shall discharge the powers and duties of the chairman.

4. The members of the Board shall serve without compensation, but shall be entitled to reimbursement for any expenses reasonably incurred in the discharge of their official duties, subject to the availability of funds.

5. The New Jersey Sickie Cell Disease Study Commission shall meet at the call of the Governor or its chairman and shall report to the Governor at such times as the Governor may require or the Commission deems appropriate.

6. The Commission shall be entitled to call upon any Department, agency or office of the State of New Jersey for such documents, materials and information as it may deem necessary, and shall be entitled to the cooperation of every Department, agency or office of the State of New Jersey.

7. In order to carry out its functions, the Commission is authorized to conduct such public hearings and to solicit such information from the public and any other source as it deems appropriate, and shall be entitled to the cooperation of every Department, agency or office of the State of New Jersey.

8. The Commission shall make its recommendations to the Governor no later than six months from the date hereof.

9. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 2nd day of January, in the year of our Lord, one thousand nine hundred and seventy-three of the Independence of the United States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,

Attest:

Governor.

/s/ JEAN E. MULFORD,

Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 43

WHEREAS, Collection of blood for transfusion to New Jersey's citizens is presently performed by a multiplicity of volunteer and commercial agencies each operating by principles unique to themselves; and

WHEREAS, Voluntary blood collecting agencies succeeded in making available only 68.8% of the stock of blood needed by New Jersey's hospitals during calendar year 1970; and

WHEREAS, Blood from paid donors has been associated in New Jersey with substantially greater risk of transmitting hepatitis than units collected from volunteers; and

WHEREAS, The voluntary agencies concerned with blood collection have never succeeded in joining together to forge a uniform approach that would permit a State-wide donor recruitment program;

NOW, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. There is hereby created a Commission to be known as the Commission on Blood Banking (hereinafter referred to as the "Commission") composed of five members, in no way directly related to existing blood banking organizations or operations, hospitals or medicine, all of whom shall be appointed by and serve at the pleasure of the Governor. The members shall serve without

compensation, but shall be reimbursed for expenses reasonably incurred in the discharge of their duties, subject to the availability of funds.

2. The Governor shall designate a chairman and vice-chairman of the Commission. The chairman shall preside over the meetings and affairs of the Commission and shall delegate the duties of the Commission among the members as he deems appropriate. He shall have such further powers and duties as may be conferred on him by the Governor. In the absence of the chairman, the vice-chairman shall discharge the powers and duties of the chairman.

3. The Commission shall meet at the call of the Governor or its chairman and shall report to the Governor at such times as he may require or as the Commission deems appropriate. The Commission may appoint a secretary who need not be a member of the Commission; and may adopt bylaws and rules governing their work consistent with law.

4. The Commission shall be charged with the investigation of blood collection systems throughout the State including Red Cross blood programs, and community and hospital blood banks. The Commission shall be empowered to study the administrative and fiscal policies as well as the professional standards of providers of blood and of third party payors of health care services, which are deemed by the Commission to be pertinent to the understanding of present practices in this field and to the formulation of recommendations with respect thereto. The Commission shall recommend to the Governor such actions as it deems appropriate for the development of voluntary blood collection systems which will meet the need of New Jersey's citizens with dispatch and efficiency and without the risk of transfusion transmitted hepatitis.

5. The Department of Health shall furnish such professional, clerical and technical assistance as may be required by the Commission, and shall provide for the printing and publication of its proceedings including interim and final reports as promulgated by the Commission. All expenses incurred shall be approved by the Chairman of the Commission and the Commissioner of Health and shall be submitted to the Treasurer of the State upon vouchers and warrants. In addition, the Commission is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order. Each department, office,

division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

6. In order to carry out its functions, the Commission is authorized to conduct such public hearings and to solicit such information from the public and any other source as it deems appropriate, and shall be entitled to the cooperation of every department, agency and office of the State of New Jersey.

7. The Commission shall make its report to the Governor as soon as possible, and its report may include recommendations for specific changes in statutory law.

8. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 2nd day of January, in the year of our Lord, one thousand nine hundred and seventy-three of the Independence of the United States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 44

WHEREAS, The people of the United States and of all the World have suffered a grievous loss in the death of former President Lyndon B. Johnson; and

WHEREAS, January 25, 1973 has been set aside as a National Day of Mourning for the late former President; and

WHEREAS, It is fitting and proper that this day be set aside as a day of mourning and prayer in memory of this great man;

EXECUTIVE ORDERS

NOW, THEREFORE, I, William T. Cahill, 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 that Thursday, January 25, 1973 shall be a day of mourning and prayer for our late former President Lyndon B. Johnson and further ORDER and DIRECT that:

1. All State offices and buildings shall be closed, work permitting, for the transaction of the regular business of government from and after 12 o'clock noon and State employees shall be excused at that time to pay their private respects to former President Johnson.

2. This Executive Order is not intended to affect banks, schools, county and local governments and the transaction of other business.

[SEAL] Given, under my hand and seal this 23rd day of January, in the year of our Lord, one thousand nine hundred and seventy-three, and of the Independence of the United States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 45

WHEREAS, It is necessary to amend Executive Order No. 39; and
WHEREAS, The State of New Jersey has, with reason, prided itself on the effectiveness of its workmen's compensation program since the inception of its law in 1911; and

WHEREAS, The State continues to be desirous of providing a comprehensive and realistic system of compensation for the injured workers of this State; and

WHEREAS, The National Commission on State Workmen's Compensation Laws has recently issued a report calling for major changes in State workmen's compensation programs and also calling for the creation of individual State advisory committees;

NOW, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. That there is hereby established a Commission to evaluate the New Jersey Workmen's Compensation law and administration; to study the Workmen's Compensation system of this State including the level of benefits, the method of assessing benefits, the means of determining the extent of injury, the means of assessing the needs of injured workers and the costs of administration; to analyze the present system in relation to the standards promulgated by the Report of the National Commission of State Workmen's Compensation Laws; to determine the extent to which the recommendations of prior Workmen's Compensation Commissions have been or should be implemented; to review the administrative methods and practices existing in other jurisdictions and to make specific recommendations for improvement in the New Jersey Workmen's Compensation system. This charge is not intended to limit any avenue of inquiry or exclude from review any subject relative to the Workmen's Compensation system not specifically set forth herein.

2. (a) The Commission shall consist of seven members appointed by the Governor of the State of New Jersey who shall serve at the pleasure of the Governor.

(b) The members of the Commission, except the chairman, who shall serve without compensation except for expenses, shall be entitled to a per diem allowance not to exceed \$100 for each day, or part thereof spent in the rendition of service for the Commission under this Order and, in addition, shall be entitled to reimbursement for any expenses reasonably incurred in the discharge of their official duties, subject to the availability of funds.

3. (a) The Commission shall meet at the call of the Governor or its chairman and shall report to the Governor at such times as the Governor may require or as the Board deems appropriate. The Commission shall present a final report to the Governor not later than June 30, 1973. This report shall be of such a nature and sufficiently specific that it may be utilized for the drafting of legislation.

(b) The chairman shall be appointed by the Governor and shall serve at the pleasure of the Governor. The members of the Commission may elect from among themselves a vice-chairman; may appoint a secretary who need not be a member of the Commission;

and may adopt bylaws and rules governing their work consistent with law.

(c) Within the limits of appropriations made available to it, the Commission is hereby authorized to employ such staff as may be necessary to carry out the duties assigned to it.

4. The Commission shall hold such public hearings as may be appropriate.

5. The Commission shall be entitled to call upon any department, agency or office of the State of New Jersey for such documents, materials and information as it may deem necessary, and shall be entitled to the cooperation of every department, agency, and office of the State of New Jersey.

6. This Executive Order shall take effect immediately.

Given, under my hand and seal this 30th day of
[SEAL] January, in the year of our Lord, one thousand nine
hundred and seventy-three, of the Independence of the
United States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

EXECUTIVE ORDER No. 46

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It is the responsibility of government to make choices which guide the future of this State and the destiny of its citizens; and

WHEREAS, Intelligent choice requires an understanding of the options available and the consequences of each possible choice; and

WHEREAS, The growth of the State has provided great benefits, but threatens to inflict high costs if it continues without guidance; and

WHEREAS, The work of the State Planning Task Force authorized by Executive Order 40 would be complemented by a study which recommends long-term goals and methods of reaching these goals; and

WHEREAS, It is essential to any effort to shape the future of the State that an immediate and thorough examination be undertaken of the several possible futures for New Jersey, of the choices open to government, of forces which lead to both growth and environmental decay, of the importance of preserving a sound environment, and of the legitimate demands of our citizens which must be satisfied, including the demand for social justice, equal access to the amenities of life, a decent environment for this and future generations, and decent housing and economic opportunity; and

WHEREAS, Such an examination can provide meaningful recommendations for governmental action to shape the future; and

WHEREAS, Such examination and recommendations can best be undertaken and made by a group of citizens and residents of this State who will reflect the diversity of the State and who will have the full support of the State government and the ability to conduct public hearings and utilize the services of experts in various fields, to the end that the group shall make such recommendations as will provide the most equitable and effective means of meeting the long term legitimate and proper needs of our citizens by shaping the future we all will share;

NOW, THEREFORE, I, William T. Cahill, 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 the Special Advisory Council on the Future of New Jersey, composed of 32 members, all of whom shall be citizens and residents of the State, who shall be appointed by and serve at the pleasure of the Governor, including the three citizen members of the State Planning Task Force who shall serve as members of the Council, ex officio. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

2. The Governor shall designate a chairman and vice-chairman

of the Council. The chairman shall preside over the meetings and affairs of the Council, and shall create such subcommittees as he deems appropriate to carry out the functions of the Council. The chairman shall direct any such subcommittee to render such interim reports to the Council as he deems appropriate. The chairman shall have such other powers and duties as may be conferred upon him by the Governor. In the absence of the chairman, the vice-chairman shall exercise all the powers and duties of the chairman.

3. The Governor shall designate a Staff Director and shall have provided such other available staff services as may be necessary to the Council.

4. The Council shall conduct a thorough study of and make recommendations concerning the matters contained in the "Charge to the Council on the Future of New Jersey" which is attached to and made a part of this Executive Order.

5. The Council shall render to the Governor such interim reports as it may deem appropriate, or as the Governor may request, and upon completion of its work, the Committee shall render to the Governor a full report of its findings and recommendations. The Council shall proceed promptly with its study so as to make its final recommendations by July 1, 1974.

6. Within the limits of funds available therefor, the Council shall be authorized to incur such expenses as may be necessary in order to exercise the powers and perform the duties imposed by this Order.

7. In order to carry out its functions, the Council is authorized to conduct such public hearings and to solicit such information from the public and from any other source as it deems appropriate. Notice of public hearings shall be given in such manner as the chairman may direct in order to provide an opportunity for interested members of the public to be heard.

8. (a) The Council is authorized to call upon any department, office, division or agency of the state to supply such available statistical data, program reports and other information and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Council, and to furnish it such information

and assistance as it may find necessary in the discharge of its responsibilities under this Order.

9. This Order shall take effect immediately.

Given, under my hand and seal this 17th day of
[SEAL] May, in the year of our Lord, one thousand nine hundred and seventy-three, of the Independence of the United States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 47

WHEREAS, The New Jersey State Commission of Investigation has investigated the faithful execution and effective enforcement of the laws with respect to workmen's compensation; and

WHEREAS, During the course of said investigation the New Jersey State Commission of Investigation has received sworn testimony and documentation alleging that James J. Bonafield, Judge of Compensation, engaged in the practice of law in violation of R. S. 34:15-49 between January, 1970 and July, 1972 and has falsely certified on a Department of Labor and Industry questionnaire in March of 1970 that he was not engaged in any outside profession while acting as a Judge of Compensation; and

WHEREAS, Said testimony and documentation has been brought to the attention of the Executive Branch of Government by the New Jersey State Commission of Investigation pursuant to P. L. 1968, c. 266, sec. 8 (C. 52:9M-8); and

WHEREAS, Article V, Section IV, paragraph 5 of the Constitution of New Jersey gives me the authority to investigate and take disciplinary actions against persons who receive remuneration from the State; and

WHEREAS, I directed Ronald M. Heymann, the Commissioner of the New Jersey Department of Labor and Industry, to review the sworn testimony and documentation which was presented before the New Jersey State Commission of Investigation and which was related to the unauthorized practice of law by James J. Bonafield; and

WHEREAS, I determined it to be contrary to the public interest for a Judge of Compensation to continue acting in his official capacity pending investigation and therefore directed the suspension of James J. Bonafield from all official duties pending said investigation; and

WHEREAS, Commissioner Ronald M. Heymann has now reviewed the sworn testimony and documentation presented before the New Jersey Commission of Investigation with regard to the unauthorized practice of law by said James J. Bonafield; and

WHEREAS, Commissioner Ronald M. Heymann has now formally charged said James J. Bonafield with engaging in the practice of law while acting as Judge of Compensation during the period from January, 1970 to July, 1972 in violation of R. S. 34:15-49, with acquiescing and fraudulent conduct to conceal the unauthorized practice of law by said James J. Bonafield during the period from January, 1970 to July, 1972 and with falsely certifying a Department of Labor and Industry questionnaire in March of 1970 that said James J. Bonafield was not engaged in any outside profession while acting as a Judge of Compensation;

NOW, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Ronald M. Heymann, Commissioner of the Department of Labor and Industry, shall serve upon James J. Bonafield, Judge of Compensation, a copy of the charges concerning the unauthorized practice of law by said James J. Bonafield.
2. John J. Francis, Esq. is appointed hearing examiner to conduct a public hearing based on the above charges prepared and served by the Commissioner of Labor and Industry and to report to me his findings of fact and law concerning those charges.
3. James J. Bonafield shall continue to be suspended from all

his official duties pending the hearing and determination of the charges.

4. This Order shall take effect immediately.

Given, under my hand and seal this third day of July,
[SEAL] in the year of our Lord, one thousand nine hundred
and seventy-three, of the Independence of the United
States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 48

WHEREAS, There does exist a shortage of gasoline available to the citizens of this State and throughout the United States; and

WHEREAS, The President of the United States has requested the State of New Jersey and its legislative and executive departments to develop and adopt appropriate measures for the conservation of gasoline as well as other energy resources; and

WHEREAS, Significant gasoline savings can be realized without undue hardship if the public can be induced to change its driving patterns; and

WHEREAS, Governments at all levels are now substantial consumers of available supplies of gasoline; and

WHEREAS, Governments can exercise effective leadership in this area, and perhaps by example produce results which will make unnecessary the imposition of burdensome and inconvenient regulations; and

WHEREAS, The steps to be hereinafter mandated and recommended can result in ancillary benefits in the area of highway safety and air pollution reduction;

EXECUTIVE ORDERS

Now, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the laws of the State of New Jersey, do hereby issue the following Executive Order:

1. All departments, offices, divisions and agencies of the State of New Jersey are hereby directed to develop and immediately implement policies eliminating unnecessary and minimizing to the extent possible necessary travel by State employees in State-owned automobiles.

2. To the extent reasonably possible, State-owned automobiles shall be driven at speeds not exceeding 50 miles per hour.

3. The county and municipal governments of the State of New Jersey are hereby requested to review their policies respecting automobile utilization and take such steps as may be appropriate to minimize gasoline consumption by persons employed at those levels of government.

4. This Order shall take effect immediately and shall remain in effect until hereafter modified or superseded by further Executive Order.

Given, under my hand and seal this 3rd day of July,
[SEAL] in the year of our Lord, one thousand nine hundred and seventy-three, and of the Independence of the United States, the one hundred and ninety-seventh.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 49

WHEREAS, New regulations issued by the United States Department of Health, Education and Welfare pursuant to P.L. 91-517 necessitate the revision of Executive Order No. 20 ordered by me on June 21, 1971, regarding the membership of the Developmental Disabilities Council; and

WHEREAS, Federal aid provided by P.L. 91-517 to the Departmental Disabilities Council is contingent upon the adherence of New Jersey to the Federal regulations; and

WHEREAS, P.L. 91-517 requires that each advisory council be comprised of representatives of each of the principal State agencies concerned with services for persons with developmental disabilities; and

WHEREAS, The chosen public representatives should provide diverse geographical representation to the Council, and as the selection of the public representatives becomes a cumbersome and limiting process when regulated by the regional guidelines for membership outlined in Executive Order No. 20; and

WHEREAS, The annual report of the Council to the Governor should coincide with the fiscal year rather than the calendar year in order to be more efficient and appropriate;

NOW, THEREFORE, I, William T. Cahill, 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. The New Jersey State Developmental Disabilities Council created by Executive Order No. 20 dated June 21, 1971, is hereby expanded and shall consist of 25 members, 15 of whom, an increase of 3 members, shall be public members appointed by the Governor of the State of New Jersey and 10 of whom, an increase of 4, shall be official representatives of each of the State level service agencies named below, who shall be designated by the Commissioners of the respective Departments of which the agencies are an administrative part and who shall serve at the pleasure of the appointing authority: Special Education; Vocational Rehabilitation; Residential Services for mentally retarded persons; Social Services for the disabled and for families and children; Health Services for Crippled Children and for Maternal and Child Health; Comprehensive Health Planning; Medical Assistance; Higher Education; Community Affairs; and Youth and Family Services.

2. Insofar as practical, the public members shall be appointed by the Governor to provide diverse, geographical representation to the Council. It is no longer necessary to adhere to the regional guidelines for selection of public members outlined in Executive Order No. 20.

3. The New Jersey State Developmental Disabilities Council shall report annually in writing to the Governor not later than July 1 of each year.

4. This Order shall take effect immediately.

Given, under my hand and seal this 18th day of July,
[SEAL] in the year of our Lord, one thousand nine hundred
and seventy-three, and of the Independence of the
United States the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 50

WHEREAS, Many counties of this State were recently severely struck by floods and storm damage resulting in loss of life and causing millions of dollars of damage to property, both public and private; and

WHEREAS, A request has been made that the President of the United States declare all affected areas in the State to be disaster areas within the meaning of Public Law 91-606, which request is presently under consideration; and

WHEREAS, The rehabilitation of the affected areas require the full cooperation of government at all levels and of private agencies and citizens;

Now, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Acting Director of the Division of Civil Defense and Disaster Control is hereby designated as the State coordinating officer for rehabilitation efforts in affected areas and shall be em-

powered to take such lawful action as may be necessary to assist in the rehabilitation of the areas and to maximize the extent of federal participation in rehabilitation efforts.

2. All State officials and agencies shall cooperate fully with the Acting Director of the Division of Civil Defense and Disaster Control.

3. To the extent that the full cooperation of any State agency is dependent upon a declaration of emergency by the Governor, this Executive Order shall be construed to constitute such a declaration of emergency.

Given, under my hand and seal this 3rd day of
[SEAL] August, in the year of our Lord, one thousand nine
hundred and seventy-three, and of the Independence of
the United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 51

WHEREAS, American citizens are faced with complex economic issues concerning personal and governmental matters; and

WHEREAS, Citizens with an understanding of the interrelationship of American politics and economics, can make more knowledgeable decisions on such matters as taxation, allocation of funds for public services, labor-management problems and wise use of national resources; and

WHEREAS, Economics must have a high priority in the State's elementary and secondary schools in order that the citizenry can acquire tools and skills for economic understanding and analysis; and

WHEREAS, The Task Force on Economics in Career Education,

appointed by me in July 1972, studied and made recommendations for the development of curricula in economics to enhance career education;

Now, THEREFORE, I, William T. Cahill, 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. The Task Force on Economics in Career Education appointed by me in 1972, be reconstituted and appointed as a permanent Advisory Council on Economics in Career Education to the State Boards of Higher Education.

2. The membership of this Advisory Council shall be widely representative of those organizations and segments of society having a genuine interest in education, and shall at no time represent less than 21 organizations including parents, teachers, school administrators, school boards, colleges, labor, business and industry.

3. Members of this Advisory Council shall number not less than 21 and shall be appointed by the Governor for terms of three years. One third of the membership, not less than seven (7) members, shall begin their terms each year, except that with the issuance of this Order seven (7) members shall be appointed to serve one (1) year and seven (7) members shall be appointed to serve two (2) years.

4. It shall be the continuing objective of this Advisory Council to provide for the teaching of economics and for an understanding of the American economy at all school levels, kindergarten through grade twelve.

5. The State Departments of Education and Higher Education shall coordinate activities to ensure the availability of in-service training programs in economics for all teachers in accordance with the Master Plan to be developed.

6. A Master Plan on economics in career education shall be developed by the Department of Education in cooperation with the Department of Higher Education and the Advisory Council.

7. This Advisory Council shall prepare and approve bylaws for the conduct of its business. The Advisory Council shall prepare, in conjunction with the State Departments of Education and Higher Education, an annual report to the Governor which shall be filed with the Governor by June 30 of each year.

8. The Advisory Council is authorized to call upon any department, office, division or agency of the State to supply such available statistical data, program reports and other information and materials as it deems necessary to discharge its responsibilities under this Order.

9. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Advisory Council and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

10. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this twenty-fourth day of August, in the year of our Lord, one thousand nine hundred and seventy-three, and in the Independence of the United States the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 52

WHEREAS, The State of New Jersey has submitted to the United States Department of Health, Education and Welfare a proposal entitled *A Proposal to Improve Newark, New Jersey Community Health Care Services Through a Demonstration Project*; and

WHEREAS, The New Jersey Department of Institutions and Agencies, including its constituent Division, is the "State agency" within the meaning of the provisions of Title XIX of the Social Security Act and is therefore designated to oversee the administration of federally funded Medicaid Service Programs provided under the terms of the Social Security Act; and

WHEREAS, The Department of Health, Education and Welfare deemed it necessary that a Board of Trustees be appointed to act in an advisory capacity on this proposal to the New Jersey Department of Institutions and Agencies and to the Governor; and

WHEREAS, The United States Department of Health, Education and Welfare approved the aforesaid proposal on September 15, 1972, with respect to overall project concept and approved a project development period; and

WHEREAS, On recommendation of the Commissioner of the New Jersey Department of Institutions and Agencies and the United States Department of Health, Education and Welfare, I appointed, by letters dated December 22, 1972, a Board of Trustees to act in an advisory capacity during the project development and model building stages of this program; and

WHEREAS, I am desirous of formalizing the appointment of the aforesaid Board of Trustees;

Now, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. That there is hereby established a Board of Trustees of the Newark Comprehensive Health Services Plan.

2. The Board of Trustees shall consist of seventeen (17) members appointed by the Governor with the recommendation of the Commissioner of Institutions and Agencies. The membership of the Board shall consist of one person from each of the following departments or offices: the Office of the Governor; the New Jersey State Departments of Institutions and Agencies, Higher Education, Insurance, Health, and Treasury, Division of Budget and Accounting; the Project Director of the Newark Comprehensive Health Services Plan; a representative selected by the voluntary hospitals; a representative selected by the College of Medicine and Dentistry of New Jersey; a representative of the Newark Department of Human Resources; a representative selected by the New Jersey Dental Society; a representative selected by the Essex County Medical Society; a representative of the Neighborhood Health Centers; a representative of the North Jersey Medical Society; and three (3) consumers. The members of the Board of Trustees shall elect from among themselves a Chairman and a Secretary; and may adopt bylaws and rules governing their work consistent with law.

3. The Board of Trustees shall make recommendations to the Commissioner of Institutions and Agencies and to the Governor with respect to the formulation of policy for the Project, the supervision and management of the Project, and shall make recommendations with respect to fiscal matters and contracts entered into with any provider under the terms of the proposal and such other matters as may from time to time be appropriate and consistent with its position as a policy making body for the Project.

4. The Board of Trustees shall report to the Governor at such times as the Governor may require or as the Board deems appropriate.

5. This Order shall take effect immediately.

Given, under my hand and seal this 28th day of
[SEAL] September, in the year of our Lord, one thousand nine
hundred and seventy-three, and of the Independence
of the United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 53

WHEREAS, The protection of the environment, which is the subject of a public trust administered by government for the benefit of all, is a primary responsibility of State government; and

WHEREAS, Government must not only regulate but also must provide an example in the effort to protect the natural resources of the State; and

WHEREAS, The design and location of major State projects may have significant primary and consequential effects on the environment; and

WHEREAS, The protection of the environment, the management of development, and the wise and proper use of the State's limited land and other resources will be fostered by the proper location and design of State facilities; and

WHEREAS, The potentially adverse environmental impact of major proposed State projects will be reduced or eliminated if that impact is assessed before the approval of any proposed project, and changes made, if required, in the project design or location;

Now, THEREFORE, I, William T. Cahill, 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. All departments and agencies of the State shall prepare and submit to the Department of Environmental Protection a description and identification of the environmental impact of major construction projects.

These projects shall include:

Any construction project with a total cost greater than \$1,000,000.

A construction project with a total cost of less than \$1,000,000 which, by reason of its nature, location in a fragile or undeveloped area, or method of construction or operation, has the potential for substantial adverse environmental impact.

Construction projects undertaken by local, county or regional governments or agencies for which a department or agency of the State has provided funding in excess of \$1,000,000.

Construction projects undertaken by local, county or regional governments or agencies for which a department or agency of the State has provided funding of less than \$1,000,000, but which, by reason of the project's nature, location in a fragile or undeveloped area, or method of construction or operation, has the potential for substantial adverse environmental impact.

From time to time, the Department of Environmental Protection may issue guidelines to assist proposing agencies in determining if a project with a cost of less than \$1,000,000 may have a potential for substantial adverse environmental impact.

2. Descriptions of such projects and brief identifications of environmental impact shall be submitted by the proposing department or agency to the Department of Environmental Protection prior to the completion of preliminary engineering design for each project. In the case of State funding for local projects, the funding department or agency shall submit the project description and environmental impact identification before awarding a grant.

The project description shall describe the location of the proposed project, the work to be accomplished, and shall include the drawings, plans or maps required to give the Department of Environmental Protection a clear understanding of the scope and nature of the proposal.

The identification of environmental impact shall be a brief statement of the possible impact of the proposal on:

- a. water quality
- b. demand for water
- c. regional air quality
- d. plant and animal life in the area of the project
- e. land types at the project site
- f. fragile land types or areas, which include but are not necessarily limited to wetlands, flood plains, groundwater recharge areas, the coastal area as defined in Chapter 185 of the Laws of 1973, the Pinelands as defined in Chapter 417 of the Laws of 1971, stream headwaters, and lands with a potential for severe erosion
- g. regional development or growth
- h. historic sites or sites of particular aesthetic importance to the State

3. The Department of Environmental Protection may from time to time issue guidelines for the preparation of descriptions and identifications of environmental impact for such projects.

The Department of Environmental Protection shall review project description and identification statements within four (4) weeks of their submission to it. It shall determine whether or not the proposed project as designed has a potential for substantial adverse environmental impact. If it so determines, it shall request the submission of a full environmental impact statement from the proposing agency. The impact statement shall follow the guidelines attached to, and made a part of, this Order. When such a statement is requested, the proposing agency shall furnish the Department of Environmental Protection with the statement. If the Department of Environmental Protection determines that the project will not have a substantial adverse environmental impact, it shall so notify the proposing agency, and additionally may make recommendations concerning the project's design or location to reduce environmental impact.

4. The Department of Environmental Protection shall review the environmental impact statement, and make recommendations

to the proposing agency concerning the methods by which the adverse impact of the project may be minimized. Within four (4) weeks of the receipt of a complete statement, or within an additional two (2) weeks with the consent of the proposing agency if the Department of Environmental Protection shall not have issued its report by the end of such time period the project will be deemed approved. The Department shall prepare a report of its review of the impact statement copies of which shall be furnished to the proposing agency and the State Planning Task Force.

5. Within four (4) weeks of the receipt of the Department of Environmental Protection's report, the proposing agency shall notify the State Planning Task Force in writing of its recommendations concerning the Department of Environmental Protection's analysis of the environmental impact statement. The report shall indicate which steps recommended by the Department of Environmental Protection the proposing agency will adopt to reduce the impact of the project. Where recommendations of the Department are not accepted by the proposing agency, it shall file a written statement of its reasons for not following the course recommended by the Department of Environmental Protection with the State Planning Task Force which shall consider and reconcile the differences between the Department of Environmental Protection and the proposing agency. The project shall not proceed until the procedures outlined above have been completed.

6. This Order shall not apply to projects now beyond the preliminary engineering stage.

7. The provisions of this Order shall not apply to projects which are reviewed pursuant to the National Environmental Policy Act, nor shall it apply to maintenance or repair projects.

8. This Order shall take effect immediately.

Given, under my hand and seal, this 5th day of October, in the year of our Lord, one thousand nine hundred and seventy-three, of the Independence of the United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 54

I, William T. Cahill, 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 that:

1. Friday, November 23, 1973 (the day following Thanksgiving Day) be declared an extra holiday for State employees.
2. Monday, December 24, 1973 (the day preceding Christmas Day) be declared an extra holiday for State employees.
3. Monday, December 31, 1973 (the day preceding New Year's Day) be declared an extra holiday for State employees.

Given, under my hand and seal this first day of
[SEAL] November, in the year of our Lord, one thousand nine hundred and seventy-three, and of the Independence of the United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 55

WHEREAS, The potential for a national energy shortage exists, particularly of vital and essential fuel products; and

WHEREAS, A Federal Mandatory Allocation Program for middle distillate fuels will be effective as of November 1, 1973; and

WHEREAS, This program requires the establishment of a single State agency in New Jersey to implement and coordinate this program; and

WHEREAS, The Governor's Cabinet Committee on Energy and the State Energy Crisis Study Commission's Subcommittee on

Urgent Energy Problems have recommended the establishment of a single State agency in New Jersey to insure the equitable distribution of fuels in the event of a shortage; to coordinate State conservation programs; and

WHEREAS, It is the obligation of the State to take all necessary and practicable measures to protect the health, safety, welfare and economy of the State while maintaining the highest feasible levels of environmental quality;

Now, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The State Emergency Fuel and Energy Agency is hereby created within the Department of Defense, Division of Civil Defense-Disaster Control to function under the guidance of and be responsible to the Governor's Cabinet Committee on Energy.

2. The Acting Director of the Division of Civil Defense-Disaster Control is hereby appointed Director of the State Emergency Fuel and Energy Agency.

3. The Director shall have the following duties and responsibilities:

- a. To advise the Governor's Emergency Cabinet Committee on energy issues and policies.

- b. To coordinate the State's energy policies with Federal, State and local governmental units.

- c. To develop and monitor a State energy conservation program.

- d. To encourage and assist positive fuel conservation action by government, business, industry and citizens of the State of New Jersey.

4. The Departments of Environmental Protection, Labor and Industry and Public Utilities Commission shall provide such resources and personnel to assist the State Emergency Fuel and Energy Agency as may be required to implement the amendatory allocation program and other Federal regulations as developed.

5. The State Emergency Fuel and Energy Agency is authorized to call upon any office, department, commission or other agency of the State of New Jersey for any information, assistance and resources which are necessary to discharge its function and responsibilities under this Order.

6. Funds for this agency will be furnished from existing departmental resources, emergency funds, and or additional appropriations as determined by the Legislature.

7. This Order shall take effect immediately.

Given, under my hand and seal this 2nd day of
[SEAL] November, in the year of our Lord, one thousand nine
hundred and seventy-three, of the Independence of the
United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 56

I, William T. Cahill, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of the State do hereby ORDER and DIRECT that:

Monday, December 24, 1973 (the day preceding Christmas Day) be declared a Bank Holiday within the meaning and provisions of Section 36:1-1 of the Revised Statutes.

Given, under my hand and seal this 14th day of De-
[SEAL] cember, in the year of our Lord, one thousand nine
hundred and seventy-three, and of the Independence of
the United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 57

ORDER OF REMOVAL

WHEREAS, By Executive Order No. 47, dated July 3, 1973, James J. Bonafield was suspended from his present office as Judge of Compensation pending the hearing and determination of formal charges brought against him by Ronald M. Heymann, Commissioner of the New Jersey Department of Labor and Industry, alleging that the said James J. Bonafield had engaged in the practice of law while acting as Judge of Compensation during the period from January, 1970 to July, 1972 in violation of R. S. 34:15-49, had acquiesced in fraudulent conduct to conceal said unauthorized practice of law, and had falsely certified a Department of Labor and Industry questionnaire in March of 1970; and

WHEREAS, By Executive Order No. 47, dated July 3, 1973, John J. Francis, Esq. was appointed hearing examiner to conduct a public hearing based on the charges prepared and served by the Commissioner of Labor and Industry and to report to me his findings of fact and conclusions of law concerning those charges; and

WHEREAS, The special hearing officer conducted public hearings on the charges against James J. Bonafield between October 10 and October 24, 1973 and during the course of said hearing received testimony and exhibits placed into evidence by James J. Bonafield through his attorney and by the State of New Jersey; and

WHEREAS, The hearing examiner on December 4, 1973 submitted to me his final report containing findings of fact and conclusions of law concerning the charges against James J. Bonafield and recommending that the said James J. Bonafield be dismissed from office as a Judge of Compensation; and

WHEREAS, I have received from the special hearing officer the transcript of the hearing held before him and the exhibits placed into evidence at said hearings, and I have independently reviewed and studied said transcript and exhibits; and

WHEREAS, After due notice the attorney for James J. Bonafield filed with me on December 20, 1973 his exceptions to the report, findings and recommendations of the special hearing officer, together with a brief relating to the final disposition of these charges, and the Attorney General filed with me on December 27, 1973 a response to said exceptions and brief; and

WHEREAS, After my independent study and review of the transcript, exhibits, report of the special hearing officer, exceptions and briefs, I have found beyond a reasonable doubt that James J. Bonafield is guilty of the charges brought against him by Commissioner Ronald M. Heymann;

NOW, THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, by virtue of the authority vested in me by the provisions of Article V, Section IV, Paragraph 5 of the Constitution of the State of New Jersey and the statutes of this State, do hereby ORDER and DIRECT that:

1. The findings of fact and conclusions of law set forth in the report of the special hearing officer dated December 4, 1973, are hereby adopted and made part of this Order.

2. James J. Bonafield be and hereby is removed from his office as Judge of Compensation.

3. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this fourteenth day
of January, in the year of our Lord, one thousand nine
hundred and seventy-four, of the Independence of the
United States, the one hundred and ninety-eighth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

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Discounts to senior citizens, not unprofessional conduct, amends R. S. 45:14-12, Ch. 125.

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Prohibits issuance of permit to drug offenders, amends N. J. S. 2A:151-8 and N. J. S. 2A:151-33, Ch. 174.

Retail dealers, employee license, fee, amends N. J. S. 2A:151-24, Ch. 264.

WELFARE AND SOCIAL SERVICES

Supplementary assistance, aged, blind and disabled persons, C. 44:7-85 et seq., Ch. 256.

