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1974

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ACTS

OF THE

First Annual Session

OF THE

One Hundred and Ninety-sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-fifth Under the New Constitution



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1974

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

J. EDWARD CRABIEL,
Secretary of State.

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L A W S

ACTS
ENACTED BY THE
First Annual Session
OF THE
One Hundred and Ninety-sixth Legislature

CHAPTER 1

AN ACT concerning the Budget Message to be transmitted by the Governor to the Legislature for the fiscal year July 1, 1974 to June 30, 1975.

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

1. Notwithstanding the provisions of any other law, the Governor shall transmit his Budget Message for the fiscal year July 1, 1974 to June 30, 1975 to the Legislature on or before February 21, 1974.

2. This act shall take effect immediately.

Approved January 29, 1974.

CHAPTER 2

AN ACT concerning energy and fuels, providing for control of the distribution and sale of energy and fuels during emergencies, supplementing chapter 39 of Title 54 of the Revised Statutes and P. L. 1942, c. 251 and making an appropriation therefor.

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

1. This act shall be known and shall be cited as the "Emergency Energy Fair Practices Act of 1974."

2. The Legislature finds and determines that because of world conditions and the manner in which energy sources and fuels are allocated and distributed that an energy shortage now exists and may continue for the foreseeable future; that State Government does not have available sufficient information as to the amounts of energy and fuels available and mechanisms by which energy and fuel are distributed; that there does not now exist adequate governmental authority to insure that available energy and fuel supplies are allocated fairly and equitably; and that it is in the public interest that the distribution of energy and fuel be regulated in a manner which will insure fair and equitable distribution of available supplies of energy resources.

3. a. The Governor is hereby authorized to proclaim by Executive Order the existence of an energy emergency; to establish a State Energy Office; and, to appoint an Administrator with the advice and consent of the Senate who shall serve at his pleasure and who shall be responsible for carrying out the provisions of this act and an Executive Director, and to fix their compensation, powers and duties.

b. The Governor may set forth by Executive Order such rules and regulations as he determines are necessary and proper to ensure the fair and equitable distribution of available energy supplies. By Executive Order the Governor may also provide for the coordination and cooperation of all offices, agencies and personnel heretofore authorized to assist in this emergency pursuant to P. L. 1942, c. 251 (App. A:9-33 et seq.).

4. The Administrator, in addition to such powers and duties set forth by Executive Order, shall be empowered, consistent with applicable Federal law and regulation, to:

a. Order any person, firm, corporation or other entity in the State, and any State, county or municipal government or instrumentality thereof to reduce by a specified amount the use of any fuel; to make use of an alternate fuel, where possible; or to cease the use of any fuel;

b. Order any person, firm or corporation engaged in the distribution of any fuel to reduce or increase by a specified amount or to cease the distribution of such fuel; to distribute a specified amount and type of fuel to certain users as specified by the Administrator; or to share supplies of any fuel with other distributors thereof;

c. Establish priorities for the distribution of fuel;

d. Order any person, firm, corporation or other entity, and any State, county or municipal government or instrumentality thereof to conserve the use of fuel by such measures as the Administrator may determine; and

e. Regulate and control the distribution and sale of motor fuels by:

(1) fixing the days and hours of access to retail dealers;

(2) establishing minimum and maximum quantities of motor fuels to be sold to any purchaser;

(3) establishing methods for notifying the public, by flags, symbols or other appropriate means, whether retail dealers are open and selling motor fuels; and

(4) establishing such limitation upon sales, priorities or rationing procedures as shall be necessary to insure the fair and equitable distribution of available supplies of motor fuels.

5. Any order issued by the Administrator pursuant to this act may be amended or modified by further order of the Administrator. Such order shall not require any judicial or other order or confirmation of any type to become immediately effective as the legal obligation of all persons, firms, corporations and other entities within the State. Such order shall remain in effect for the duration of time set forth in same, and if no time limit is specified, such order shall remain in effect until the Governor declares by further proclamation that the energy emergency has terminated.

6. Any aggrieved person, firm, corporation or other entity or governmental unit or instrumentality thereof upon application to the State Energy Office shall be granted a public hearing on the question of whether or not the continuance of any order issued pursuant to this act, is unreasonable in the light of the then prevailing conditions of emergency, the contribution to the same of any particular activity, and the purposes of this act. Such hearing shall be conducted as quickly as possible by a hearing officer assigned by the State Energy Office which shall give public notice of same. The State Energy Office shall have the power to compel attendance, testimony, and the production of documents by the use of subpoena powers. The number of witnesses and the extent of testimony shall be within the Administrator's control. The Administrator, upon conclusion of such hearing and upon receipt of the findings and conclusion of the hearing officer assigned by the

State Energy Office, shall decide if any such order shall be modified or terminated.

7. The State Energy Office shall also have the power to:

a. Establish an energy data bank to provide sufficient information to insure a fair and equitable distribution of available energy or fuels and to permit a more efficient and effective use of energy and fuels;

b. Require all persons, firms, corporations or other entities which engage in the business of refining, distributing, storing or selling energy or fuels to submit reports, on forms provided by said office, setting forth such information as shall be required to carry out the provisions of this section;

c. Monitor prices charged at all levels of distribution and sale of energy and fuels and make, from time to time, such recommendations to the Governor as will encourage the lowest possible cost for energy and fuels consumed in the State;

d. Determine the effect of the motor fuel shortage upon the number of independent retail motor fuel dealers operating in the State and formulate proposals designed to discourage excessive concentration of ownership and control of retail dealerships by national or international oil companies;

e. Adopt and promulgate such additional rules and regulations as the Administrator shall determine are necessary and proper to carry out the purposes of this act; and

f. Conduct hearings and investigations in order to carry out the purposes of this act and to issue subpoenas in furtherance of such power.

8. For the duration of the energy emergency, the Director of the Division of Taxation shall not issue new retail motor fuel dealer licenses unless the Administrator shall determine that the public convenience and necessity requires additional retail outlets. In issuing any new licenses, priority consideration shall be given wherever possible to individuals who previously held licenses and have ceased to operate as retail dealers because of the motor fuels shortage.

9. Except as otherwise authorized by this act, and regulations adopted hereunder it shall be unlawful for any retail dealer of motor fuels to refuse to sell motor fuels to members of the general public during times when such dealer is open for the sale of motor fuels.

10. In addition to any other penalty provided for in this act, the Director of the Division of Taxation, upon the recommendation of its Administrator, may cause the license of any retail motor fuels dealer, gasoline jobber, wholesale motor fuels dealer or motor fuels distributor to be suspended or revoked if the Administrator shall determine there has been a willful violation of this act or of any rules or regulations promulgated hereunder.

11. a. Any person violating this act, except where a penalty is otherwise specifically provided, shall forfeit and pay a penalty of not less than \$100.00 or more than \$1,000.00 for the first offense and not less than \$200.00 or more than \$5,000.00 for the second offense. In the case of a third or subsequent offense, a violator shall be a disorderly person and shall be subject to imprisonment and a fine of not less than \$500.00 or more than \$10,000.00. Penalties shall be assessed, brought and recovered by and in the name of the State of New Jersey.

b. Every county district court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation, within the territorial jurisdiction of the court, of any provision of this act. The penalty shall be collected and enforced in summary proceedings pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). Process shall issue at the suit of the plaintiff, and shall be either in the nature of a summons or warrant. The court shall, if judgment be rendered for the plaintiff, cause any such defendant, who may refuse or fail forthwith to pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding 100 days.

12. The State Energy Office shall be entitled to call to its assistance and avail itself of the 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 duties 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.

13. The Governor and the Administrator shall not be required to comply with the provisions of the Administrative Procedure

Act, P. L. 1968, c. 410 (C. 52:14B-1), in effectuating the purposes of this act but a public hearing shall be held within 30 days on any rules and regulations adopted hereunder to consider any amendments or supplements thereto.

14. The provisions of the Executive Reorganization Act of 1969, P. L. 1969, c. 203 (C. 52:14C-1 et seq.), shall not apply to the provisions of this act.

15. For the purposes of this act, the terms "retail motor fuel dealer," "wholesale motor fuel dealer," "gasoline jobber," "motor fuels distributor" and "motor fuels" shall have the same meaning as said terms as defined in c. 39 of Title 54 of the Revised Statutes unless the context in which said terms are used requires otherwise.

16. If the provisions of any section or clause of this act or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or clause of this act or the application of any part thereof to any other person or circumstance and to this end, the provisions of each section and clause of this act are hereby declared to be severable.

17. There is hereby appropriated to the State Energy Office from the General Treasury for the purposes of this act the sum of \$250,000.00.

18. This act shall take effect immediately, but the provisions of this act shall expire June 30, 1975 unless sooner terminated by Executive Order of the Governor.

Approved February 4, 1974.

CHAPTER 3

AN ACT to amend "An act to create an energy crisis study commission, prescribing its membership, powers and duties and making an appropriation therefor," approved June 20, 1973 (P. L. 1973, c. 184).

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

1. Section 2 of P. L. 1973, c. 184 is amended to read as follows:

2. An energy crisis study commission is created to consist of four members of the Senate to be appointed by the President of the Senate, four members of the General Assembly 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. The term of each legislator shall be for the duration of the term for which he has been elected. In addition, the Governor shall appoint eight members of the commission, who shall serve at his pleasure. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. Section 5 of P. L. 1973, c. 184 is amended to read as follows:

5. The commission shall be entitled to call to its assistance and avail itself of the services of any Federal, State, county or municipal department, board, bureau, commission or agency as may reasonably be made available to it, 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 such other employees, stenographic and clerical assistants as it may require 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. The commission may also establish such advisory councils as it may determine are necessary and the members thereof shall be appointed by the chairman with the approval of the commission.

3. There is appropriated from the General Treasury for the purposes of this act the sum of \$75,000.00.

4. This act shall take effect immediately.

Approved February 4, 1974.

CHAPTER 4

AN ACT concerning unemployment compensation and extended benefits, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. 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 December 31, 1973 and prior to April 1, 1974, a determination that there has been a State "on" or "off" indicator beginning or 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, c. 324 (C. 43:21-24.11 d., e.).

2. Extended benefits shall be paid pursuant to the provisions of this act so long as the payments conform to and are not in conflict with the Federal-State Extended Unemployment Compensation Act of 1970, as amended by United States P. L. 93-233.

3. This act shall take effect immediately and shall be applied retroactively to December 31, 1973.

Approved February 11, 1974.

CHAPTER 5

AN ACT concerning county detectives and amending N. J. S. 2A:157-8.

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

1. N. J. S. 2A:157-8 is amended to read as follows:

County detectives in fifth-class counties.

2A:157-8. In counties of the fifth class there may be appointed not in excess of six county detectives, of whom one may be designated chief of county detectives, and one captain of county detectives; their annual salaries shall be fixed as follows: chief of county

detectives, not less than \$5,500.00; captain of county detectives, not less than \$4,500.00; and other county detectives, not less than \$3,500.00. Provided, however, in counties of the fifth class with a population between 175,000 and 300,000 there may be appointed 12 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, and two lieutenants of county detectives. Their annual salaries shall be fixed as follows: chief of county detectives, not less than \$5,500.00; captain of county detectives, not less than \$4,500.00; lieutenants of county detectives, not less than \$4,000.00; and other county detectives, not less than \$3,500.00.

2. This act shall take effect immediately.

Approved February 15, 1974.

CHAPTER 6

AN ACT to amend and supplement the "Emergency Energy Fair Practices Act," approved February 4, 1974 (P. L. 1974, c. 2).

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

1. Section 11 of P. L. 1974, c. 2 is amended to read as follows:

11. a. Any retail dealer as defined in chapter 39 of Title 54 of the Revised Statutes who violates any of the provisions of this act or the orders, rules, and regulations promulgated hereunder shall be subject to a penalty of not more than \$25.00 for the first offense, not more than \$200.00 for the second offense, and not more than \$400.00 for the third offense or subsequent offense.

b. Any person purchasing or attempting to purchase motor gasoline in violation of this act or the orders, rules or regulations promulgated hereunder, shall be subject to a penalty of not more than \$25.00 for the first offense, not more than \$100.00 for the second offense, and not more than \$200.00 for the third offense or subsequent offense.

c. Any distributor as defined in chapter 39 of Title 54 of the Revised Statutes, and any other supplier of fuel as defined herein, who violates any of the provisions of this act or the orders, rules

and regulations promulgated hereunder, shall be subject to a penalty of not more than \$1,000.00 for the first offense, not more than \$5,000.00 for the second offense, and not more than \$10,000.00 for the third offense or subsequent offense.

d. Upon the violation of this act or of rules, regulations and orders promulgated hereunder, any aggrieved person or retail dealer, the administrator or county prosecutor of the county in which the violation occurs, with the approval of the administrator, 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, and any rule, regulation or order adopted hereunder.

e. All penalties as set forth herein may be collected in a civil action commenced by the administrator or by the county prosecutor of the county in which the violation occurs, with the approval of the administrator by a summary proceeding under The Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.) in the Superior Court, County Court, county district court, or a municipal court, all of which shall have jurisdiction to enforce said Penalty Enforcement Law in connection with this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. All penalties collected under the provisions of this act or any rule, regulation or order adopted hereunder shall be paid to the State Treasurer and credited to the account of the State Energy Office for use in carrying out the provisions of this act.

f. Any person who shall knowingly or willfully falsely make any oath required to be made under this act or orders, rules and regulations promulgated hereunder shall be deemed guilty of false swearing and on conviction thereof shall be liable for all penalties prescribed by law therefor. This section shall not preclude the granting of injunctive relief nor the recovery of any penalties as set forth herein.

2. Section 16 of P. L. 1974, c. 2 is amended to read as follows:

16. If the provisions of any section or clause of this act and any rule, regulation or order adopted hereunder, or the application

thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or clause of this act and any said rule, regulation or order adopted hereunder, or the application of any part thereof to any other person or circumstance and to this end, the provisions of each section and clause of this act and each said rule, regulation or order adopted hereunder are hereby declared to be severable.

3. Section 7 of P. L. 1974, c. 2 is amended to read as follows:

7. The State Energy Office shall also have the power to:

a. Establish an energy data bank to provide sufficient information to insure a fair and equitable distribution of available energy or fuels and to permit a more efficient and effective use of energy and fuels;

b. Require all persons, firms, corporations or other entities which engage in the business of refining, distributing, storing or selling energy or fuels to submit reports, on forms provided by said office, setting forth such information as shall be required to carry out the provisions of this section.

c. Monitor prices charged at all levels of distribution and sale of energy and fuels and make, from time to time, such recommendations to the Governor as will encourage the lowest possible cost for energy and fuels consumed in the State;

d. Determine the effect of the motor fuel shortage upon the number of independent retail motor fuel dealers operating in the State and formulate proposals designed to discourage excessive concentration of ownership and control of retail dealerships by national or international oil companies.

e. Adopt and promulgate such additional rules and regulations as the administrator shall determine are necessary and proper to carry out the purposes of this act; and

f. Conduct hearings and investigations in order to carry out the purposes of this act and to issue subpoenas in furtherance of such power. Said power to conduct investigations shall include, but not be limited to, the authority to enter without delay and at reasonable times the premises of any supplier of fuel, any distributor as defined in c. 39 of Title 54 of the Revised Statutes, or any retail dealer as defined in c. 39 of Title 54 of the Revised Statutes, in order to obtain or verify any information necessary for carrying out the purposes of this act.

4. "Supplier of fuel" as used herein shall mean any refiner, importer, marketer, jobber, distributor, terminal operator, firm, corporation (including any broker), cooperative, Federal, State, or local government unit or other person who supplies, sells, consigns, transfers or otherwise furnishes any fuel. In no case, however, shall a retail dealer as defined in chapter 39 of Title 54 of the Revised Statutes be construed to be a supplier of fuel as defined herein.

5. This act shall take effect immediately.

Approved February 15, 1974.

CHAPTER 7

AN ACT concerning extension of the terms of elected officials in certain cases and supplementing subtitle 5 of Title 40 of the Revised Statutes.

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

C. 40:84-2.1 Extension of the terms of elected officials in certain cases.

1. Whenever in any municipality governed under "The Municipal Manager Form of Government Law" the qualified voters of the municipality have, or shall have, adopted another form of government, pursuant to the provisions of the "Optional Municipal Charter Law" (P. L. 1950, c. 210, C. 40:69A-1 et seq.), which other form of government will not become effective until January 1 following the date fixed by law for the next election for councilmen in such municipality, no such election for councilmen shall be held in such municipality, but the councilmen in office at the time fixed for the holding of such election shall continue in office, and all subordinate boards, departments, bodies, offices, positions and employments shall likewise continue in effect and the incumbents thereof shall continue to hold the same, until 12 noon on said January 1, with the same effect and subject to the same restrictions as though the terms of office of said councilmen had extended to and terminated at said time on said January 1.

2. This act shall take effect immediately.

Approved February 22, 1974.

CHAPTER 8

AN ACT concerning county and municipal hospitals and their consolidation in certain cases, and supplementing chapter 9 of Title 30 of the Revised Statutes.

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

C. 30:9-27.1 Maternity hospital's transfer.

1. Notwithstanding the provisions of section 13 of P. L. 1971, c. 199 (C. 40A:12-13) or of any other law to the contrary, any county of the first class maintaining a maternity hospital established under R. S. 30:9-24, may, by resolution of the board of chosen freeholders, authorize the transfer and conveyance of the real property, capital improvements and personal property comprising the maternity hospital, at private sale and without consideration, to any municipality within the county maintaining a hospital for the sick and injured pursuant to article 2 of chapter 9 of Title 30 of the Revised Statutes.

C. 30:9-27.2 Consolidation of transferred maternity hospital.

2. Any municipality accepting the transfer and conveyance of the county maternity hospital, may consolidate the hospital as a separate department of its municipal hospital and provide maternity and gynecological services to both the residents of the municipality and the county.

C. 30:9-27.3 Payment of deficits resulting from consolidation.

3. Any contract or agreement between a county and a municipality providing for the transfer and conveyance of a county maternity hospital as authorized by this act, may require the county to assume and pay annually, any deficits that may be incurred by the consolidated hospital in providing maternity and gynecological services. Such deficits shall be paid by the county from funds raised or to be raised by taxation, as other county expenses are raised and paid.

C. 30:9-27.4 Status of employees.

4. No contract or agreement between a county and a municipality pursuant to this act shall deprive any county or municipal employee of any civil service status or rights, tenure or pension rights or rights stemming from labor agreements.

C. 30:9-27.5 County's liability; termination; audit.

5. The liability of a county for annual operating deficits shall cease and terminate not later than 5 years from the making of the agreement between the municipality and the county. The auditor of the county may conduct independent audits of the consolidated hospital for the purpose of determining the amounts of any deficits incurred by the hospital during the said 5-year period in providing maternity and gynecological services pursuant to the agreement authorized by this act.

C. 30:9-27.6 Pension fund membership of transferred employees.

6. Any employee being transferred from county to municipal employment may retain membership in the county pension fund. If the employee elects to remain in the county pension fund, the municipality shall make the necessary pension deductions and remit same to the county pension fund.

7. This act shall take effect immediately.

Approved March 5, 1974.

CHAPTER 9

AN ACT concerning elections and amending sections 19:3-3, 19:24-4 and 19:24-5 of the Revised Statutes.

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

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

Delegates and alternates to national conventions and committee members chosen at primary election.

19:3-3. Delegates and alternates to the national conventions of the political parties shall be elected at the primary election to be held on the first Tuesday in June in that year. The members of State, county and municipal committees of the political parties shall be chosen at the primary for the general election as hereinafter provided.

2. R. S. 19:24-4 is amended to read as follows:

Delegates and alternates-at-large chosen from entire state or from congressional district.

19:24-4. Not less than 100 members of each such political party may file with the Secretary of State at least 40 days prior to the

primary election for the general election in any year of a national convention a petition requesting that the name of a person therein indorsed shall be printed on the primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large, to be chosen by the party voters throughout the State to the national convention of that party, or as a delegate or alternate to be chosen to that convention by the voters of any congressional district.

The signers to the petition for any delegate-at-large or alternate-at-large shall be legal voters resident in the State; and the signers for any delegate or alternate from any Congressional district shall be voters of such district.

The Secretary of State shall within 6 days thereafter certify to each county clerk and county board such nominations for delegates and alternates-at-large and the nominations for delegate or alternate for any Congressional district.

3. R. S. 19:24-5 is amended to read as follows:

Delegates grouped; choice for president included in petition.

19:24-5. Candidates for the position of delegates or alternates may be grouped together, if they so request in their petitions, and in any year of a presidential election may also have the name of the candidate for President whom they favor placed opposite their individual names or opposite such groups, if they so request in their petitions and if the written consent of such candidate for President is endorsed upon their petitions, under the caption "Choice for President."

4. This act shall take effect immediately.

Approved March 15, 1974.

CHAPTER 10

A SUPPLEMENT to "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. The sum of \$36,000,000.00 shall be apportioned among municipalities which received State aid under the provisions of P. L. 1971, c. 64 for the purpose of enabling such municipalities to maintain and upgrade municipal services. Said sum shall be distributed among the municipalities by multiplying \$36,000,000.00 by the distribution factor for each municipality. The distribution factor for each municipality shall be established in accordance with the terms of section 1 of P. L. 1971, c. 64. It is provided, however, that if, pursuant to the distribution formula hereinabove set forth, any municipality shall not be eligible to receive more State aid than it received under the provisions of P. L. 1971, c. 64, said municipality shall receive an increase in State aid proportionate to the other municipalities receiving aid in accordance with this act.

2. The Director of the Division of Local Government Services in the Department of Community Affairs shall, forthwith upon the effective date of this act, determine and certify to the State Treasurer and to the chief financial officer of each qualifying municipality the amount of State aid allocable to such 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 to each qualifying municipality on October 1, 1974, or as soon thereafter as practicable, the amount determined and certified.

3. Moneys received by each qualifying municipality under the provisions of this act shall be used to maintain, upgrade and improve municipal services. Prior to June 1, 1974 each municipality receiving State aid pursuant to the act shall submit, to the Director of the Division of Local Government Services in the Department of Community Affairs, program and performance data specifying how

the moneys are to be utilized to maintain, upgrade and improve municipal services. The data must be submitted in sufficient detail to permit the director to evaluate municipal expenditure programs both as to service, need and performance, including unit costs. In addition, each municipality receiving aid pursuant to this act must submit to the director on December 31, 1974 a report describing the achievement of the program plans developed in accordance with this section of the act. All moneys distributed pursuant to this act, as well as all other municipal funds, may be subject to an operational audit by the director.

4. Any determination of the Director of the Division of Local Government Services pursuant to this act as to the amount of State aid allowable 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. Notwithstanding any provisions of the "Local Budget Law" (N. J. S. 40A:4-1 et seq.), any municipality qualifying for State aid under this act may anticipate the receipt of the amount of State aid certified to it by the Director of the Division of Local Government Services and may file such amendments or corrections in its local budget as may be required to properly reflect such amendments in its budget for the year 1974.

5. There shall be appropriated for the purposes of this act the sum of \$36,693,905.46 for the fiscal year commencing July 1, 1974.

6. This act shall take effect immediately.

Approved March 26, 1974.

CHAPTER 11

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

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

1. The days of January 2, 3 and 4 of 1974 during which schools were closed in this State by order of the State Board of Education

shall for all purposes including State aid be considered as days when schools were open and facilities provided.

2. This act shall take effect immediately.

Approved April 2, 1974.

CHAPTER 12

AN ACT to amend the "New Jersey American Revolution Bicentennial Celebration Act," approved March 2, 1973 (P. L. 1973, c. 48).

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

1. Section 2 of P. L. 1973, c. 48 (C. 52:9P-2) is amended to read as follows:

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 23 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 Chairman of the New Jersey State Council on the Arts, 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.

3. This act shall take effect immediately.

Approved April 4, 1974.

CHAPTER 13

AN ACT appropriating certain funds from the State Facilities for Handicapped Fund for the expansion and renovation of the Marie H. Katzenbach School for the Deaf.

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 State Facilities for Handicapped Fund established pursuant to the provisions of P. L. 1973, c. 149, the sum of \$3,000,000.00 or so much thereof as may be necessary, for the purpose of expansion and renovation of the Marie H. Katzenbach School for the Deaf.

2. This act shall take effect immediately.

Approved April 8, 1974.

CHAPTER 14

AN ACT creating a joint legislative committee to study the methods of determining what constitutes a thorough and efficient system of public schools, how it should be administered, distributing State school aid for the support thereof and making an appropriation therefor.

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

1. The Legislature finds that it is of paramount importance to the people of this State that the constitutionally required

“thorough and efficient” education be provided for all the youth in the State of New Jersey. It also finds that it is the Legislature’s responsibility to provide such education. Therefore, it is necessary that the Legislature conduct a study of the alternative methods of determining what constitutes a thorough and efficient system of free public schools, how it should be administered and the alternative methods of distributing State school aid.

2. There is hereby created a joint legislative committee which shall consist of the five members of the Senate Education Committee and five members of the Assembly Education Committee to be appointed by the Speaker of the General Assembly. All members shall serve without compensation and vacancies in the membership of the committee shall be filled in the same manner as the original appointments are made.

3. It shall be the duty of the committee to study the alternative methods of determining what constitutes a thorough and efficient system of free public schools, how it should be administered, including the role of the county superintendent of schools, and the alternative methods of distributing all State school aid in order to support such a system of free public schools.

4. The committee shall organize as soon as practicable after the appointment of its members and shall select a chairman and vice-chairman from among its members and a secretary who need not be a member of the committee.

5. The committee 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 professional, stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

6. The committee may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature at the special session to be called for that purpose, but in any event, not later than September 1, 1974, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is hereby appropriated from the General State Fund for the purposes of the committee the sum of \$50,000.00.

8. This act shall take effect immediately and shall expire on December 31, 1974.

Approved April 9, 1974.

CHAPTER 15

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 any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, 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 section 18A:24-19 of Title 18A, Education, of the New Jersey Statutes 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 sections 18A:24-20 and 18A:24-22 of Title 18A, Education, of the New Jersey Statutes, provided, however, that supplemental debt statements were prepared, sworn to and filed as required by sections 18A:24-16 and 18A:24-17 of Title 18A, Education, of the New Jersey Statutes; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time

fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved April 11, 1974.

CHAPTER 16

A SUPPLEMENT to "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)," approved November 28, 1973 (P. L. 1973, c. 263, C. 4:19-15.2a).

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

1. Notwithstanding the provisions of P. L. 1973, c. 263 (C. 4:19-15.2a) the requirement of providing evidence of the administration of rabies vaccine to a dog as a condition precedent to the issuance of a license for the dog is postponed until July 1, 1974.

2. This act shall take effect immediately.

Approved April 11, 1974.

CHAPTER 17

AN ACT to provide a New Jersey Property-Liability Insurance Guaranty Association and supplementing Title 17 of the Revised Statutes.

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

C. 17:30A-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Property-Liability Insurance Guaranty Association Act."

C. 17:30A-2 Purpose and applicability of act.

2. a. The purpose of this act is to provide a mechanism for the payment of covered claims under certain insurance policies, to avoid excessive delay in payment, to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

b. This act shall apply to all kinds of direct insurance, except life insurance, accident and health insurance, workmen's compensation insurance, title insurance, annuities, surety bonds and insurance provided by the Motor Vehicle Liability Security Fund, established pursuant to P. L. 1952, c. 175 (C. 39:6-92 et seq.), until funds comprising said fund are declared exhausted by the commissioner.

C. 17:30A-3 Partial invalidity.

3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are declared to be separable.

C. 17:30A-4 Construction of act.

4. a. This act shall be liberally construed to effect the purpose under section 2 which shall constitute an aid and guide to interpretation.

b. All laws and parts of laws of this State inconsistent with this act are hereby deemed superseded to the extent of such inconsistency.

C. 17:30A-5 Definitions.

5. As used in this act:

a. "Account" means any one of the two accounts created by section 6;

b. "Association" means the New Jersey Property-Liability Insurance Guaranty Association created under section 6;

c. "Commissioner" means the Commissioner of Insurance of this State;

d. "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of and is within the coverage, and not in excess of the applicable limits of an insurance policy to which this act applies, issued by an insurer, if such insurer becomes an insolvent insurer after January 1, 1974, and (1) the claimant or insured is a resident of this State at the time of the insured event; or (2) the property from which the claim arises is permanently located in this State. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise;

e. "Insolvent insurer" means (1) an insurer admitted or authorized to transact the business of insurance in this State either at the time the policy was issued or when the insured event occurred, and (2) who is determined to be insolvent by a court of competent jurisdiction;

f. "Member insurer" means any person who (1) writes any kind of insurance to which this act applies under section 2 b. including the exchange of reciprocal or interinsurance contracts and (2) is admitted or authorized to transact the business of insurance in this State;

g. "Net direct written premiums" means direct gross premiums written in this State on insurance policies to which this act applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers, and does not include premiums on policies issued by an insurer as a member of the New Jersey Insurance Underwriting Association pursuant to P. L. 1968, c. 129 (C. 17:37A-1 et seq.).

C. 17:30A-6 New Jersey Property-Liability Insurance Guaranty Association; creation, functions, powers, administration and assessment.

6. There is created a private nonprofit unincorporated legal entity to be known as the New Jersey Property-Liability Insurance Guaranty Association. All insurers defined as member insurers in section 5 f. shall be and remain members of the association as a condition of their authority to transact insurance in this State. The association shall perform its functions under a plan of operation established and approved under section 9 and shall exercise its powers through a board of directors established under section 7. For purposes of administration and assessment, the association shall be divided into two separate accounts: (1) the ocean or wet marine insurance and inland marine or transportation account; and (2) the account for all other insurance to which the act applies.

C. 17:30A-7 Board of directors; membership, vacancies, selection.

7. a. The board of directors of the association shall consist of not less than five nor more than nine members serving terms as established in the plan of operation hereinafter described. One member of the board shall be appointed by the commissioner from and among the officers of the various mutual insurance companies, and one member of the board shall be appointed by the commissioner from among the officers of the various stock insurance companies. The remaining members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term in the manner described in the plan of operation. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint all the initial members;

b. In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented;

c. Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

C. 17:30A-8 Association's obligations, powers and duties.

8. a. The association shall:

(1) Be obligated to the extent of the covered claims against an insolvent insurer incurred prior to or 30 days after the determination of insolvency, or before the policy expiration date if less than 30 days after said determination, or before the insured replaces the policy or causes its cancellation, if he does so within 30 days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of \$50.00, and shall be subject to any applicable deductible contained in the policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises;

(2) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and

obligations of the insolvent insurer as if the insurer had not become insolvent.

(3) Allocate covered claims to be paid and expenses incurred among the two accounts separately, and assess member insurers separately for each account in amounts necessary to pay:

- (a) The obligation of the association under paragraph a. (1) of this section;
- (b) The expenses of handling covered claims;
- (c) The cost of examinations under section 13; and
- (d) Other expenses authorized by this act.

The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than 30 days before it is due. No member insurer may be assessed in any year on any account in an amount greater than 2% of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account.

The association may, subject to the approval of the commissioner, exempt, abate or defer, in whole or in part the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. In the event an assessment against a member insurer is exempted, abated, or deferred, in whole or in part, because of the limitations set forth in this section, the amount by which such assessment is exempted, abated, or deferred, shall be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in any account, does not provide in any 1 year an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as it is permitted by this act. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made;

(4) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested;

(5) Notify such persons as the commissioner directs under section 10 b. (1);

(6) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer;

(7) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this act.

b. The association may:

(1) Employ or retain such persons as are necessary to handle claims and perform other duties of the association;

(2) Borrow funds necessary to effect the purposes of this act in accord with the plan of operation;

(3) Sue or be sued;

(4) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this act;

(5) Perform such other acts as are necessary or proper to effectuate the purpose of this act;

(6) Refund to the member insurers in proportion of the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

C. 17:30A-9 Plan of operation.

9. a. (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner;

(2) If the association fails to submit a plan of operation acceptable to the commissioner within 90 days following the effective date of this act, or if at any time thereafter the association fails to submit an acceptable amendment to the plan, the commissioner shall, after notice and hearing adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this act. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

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

c. The plan of operation shall:

(1) Establish the procedures whereby all the powers and duties of the association under section 8 of this act will be performed;

(2) Establish procedures for handling assets of the association;

(3) Establish the amount and method of reimbursing members of the board of directors under section 7 of this act;

(4) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association by the receiver or liquidator;

(5) Establish regular places and times for meetings of the board of directors;

(6) Establish procedures for records to be kept in all financial transactions of the association, its agents, and the board of directors;

(7) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the commissioner within 30 days after the action or decision;

(8) Establish the procedures whereby selections for the board of directors will be submitted to the commissioner;

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

d. The plan of operation may provide that any or all powers and duties of the association except those under sections 8 a. (3) and 8 b. (2), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent. Such a corporation, association or organization shall be reimbursed as a servicing

facility would be reimbursed and shall be paid for its performance of the functions of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this act.

C. 17:30A-10 Commissioner's powers and duties.

10. a. The commissioner shall:

(1) Notify the association of the existence of an insolvent insurer not later than 3 days after he receives notice of the determination of the insolvency;

(2) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.

b. The commissioner may:

(1) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this act. Such notification may be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient;

(2) Suspend or revoke, after notice and hearing, the certificate or authority to transact insurance in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall not exceed 5% of the unpaid assessment per month, except that no fine shall be less than \$100.00 per month;

(3) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

C. 17:30A-11 Rights and protection under the act; settlement of covered claims; filing.

11. a. Any person recovering under this act shall be deemed to have assigned his rights under the policy to the association to the extent of his recovery from the association. Every insured or claimant seeking the protection of this act shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent

insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the association shall not operate to reduce the liability of insureds to the receiver, liquidator, or statutory successor for unpaid assessments;

b. The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or its representatives. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this act against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses;

c. The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the rights of the association against the assets of the insolvent insurer.

C. 17:30A-12 Recovery of claim.

12. Any person having a covered claim which may be recovered from more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured at the time of the insured event except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property. Any recovery under this act shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent. However, if recovery is denied or deferred by the association, a person may proceed to recover from any other insurance guaranty association or its equivalent from which recovery may be legally sought.

C. 17:30A-13 Commissioner to examine insolvent insurer.

13. a. The commissioner shall examine any member insurer who the commissioner has reasonable cause to believe may be insolvent or in a financial condition hazardous to the policyholders or to the public. It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in financial condition hazardous to the policyholders or the public;

b. The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or to the public. The commissioner shall begin such examination within a reasonable time after receipt of such request. Any examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of any examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its becoming a public record, but this shall not preclude the commissioner from complying with subsection c. of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public;

c. It shall be the duty of the commissioner to report to the board of directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or to the public;

d. The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents;

e. The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies;

f. The board of directors shall, at the conclusion of any insurer insolvency proceedings in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the commissioner.

C. 17:30A-14 Commissioner to regulate association.

14. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit, not later than March 31 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

C. 17:30A-15 Exemption from fees and taxes.

15. The association shall be exempt from payment of all fees and all taxes levied by this State or any of its subdivisions except taxes levied on real or personal property.

C. 17:30A-16 Rates and premiums.

16. The rates and premiums charged for insurance policies to which this act applies may include amounts sufficient to recoup over a reasonable length of time which shall not be less than 3 years, a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

C. 17:30A-17 Liability not to arise in performance of powers and duties.

17. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this act.

C. 17:30A-18 Defense of insolvent insurer.

18. Upon application and notice all proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this State shall be stayed for 60 days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action. Any covered claims arising from a judgment under any decision, verdict or finding based on the default of the insolvent insurer or its failure to defend an insured, the association either on its own behalf or on behalf of such insured may apply to have such judgment, order, decision, verdict or finding set aside by the court in which such judgment, order, decision, verdict or finding is entered and shall be permitted to defend against such claim on the merits.

C. 17:30A-19 Termination of association's operation; discontinuance of payments to association; distribution of moneys and assets to insurers; expiration of act.

19. a. The commissioner shall by order terminate the operation of the association as to any kind of insurance covered by this act with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which:

(1) Is a permanent plan which is adequately funded or for which adequate funding is provided; and

(2) Extends, or will extend to the New Jersey policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents than the protection and benefits provided with respect to such kinds of insurance under this act.

b. The commissioner shall by the same such order authorize discontinuance of future payments by insurers to the New Jersey Property-Liability Insurance Guaranty Association with respect to the same kinds of insurance; provided, the assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan;

c. In the event the operation of the New Jersey Property-Liability Insurance Guaranty Association shall be so terminated as to all kinds of insurance otherwise within its scope, the association as soon as possible thereafter shall distribute the balance of moneys and assets remaining (after discharge of the functions of the association with respect to prior insurer insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in this State policies of the kinds of insurance covered by this act and which had made payments to the association, pro rata upon the basis of the aggregate of such payments made by the respective insurers during the period of 5 years next preceding the date of such order. Upon completion of such distribution with respect to all of the kinds of insurance covered by this act, this act shall be deemed to have expired.

20. This act shall take effect immediately.

Approved April 11, 1974.

CHAPTER 18

AN ACT concerning the prevention of cruelty to certain animals,
and amending R. S. 4:22-26.

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

1. R. S. 4:22-26 is amended to read as follows:

Penalty for acts constituting cruelty in general.**4:22-26. A person who shall:**

- a. Overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature;
- b. Cause or procure to be done by his agent, servant, employee or otherwise an act enumerated in paragraph "a" of this section;
- c. Inflict unnecessary cruelty upon a living animal or creature of which he has charge or custody either as owner or otherwise, or unnecessarily fail to provide it with proper food, drink, shelter or protection from the weather;
- d. Receive or offer for sale a horse which by reason of disability, disease or lameness, or any other cause, could not be worked without violating the provisions of this article;
- e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;
- f. Be present and witness, encourage, aid or assist in an activity enumerated in paragraph "e" of this section;
- g. Permit or suffer a place owned or controlled by him to be used as provided in paragraph "e" of this section;
- h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhuman manner;
- i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;
- j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;
- k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;
- l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a stand or roadside market for the sale of merchandise along a highway and shall keep a living animal or creature inhumanly confined on such premises as an exhibit;

n. Keep or exhibit any wild animal, other than birds or fowl, at any road stand, gasoline station or market located on any of the public streets or highways of this State;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders associations, 4H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under 2 months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under 2 months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than 1 inch from the tip end thereof, or half cropping or cutting both ears or either ear more than 1 inch from the tip end thereof, or who shall have or keep in his possession sheep or cattle, which he claims to own, marked contrary to this paragraph unless they were bought in market or of a stranger—

Shall forfeit and pay a sum not to exceed \$250.00 to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

2. This act shall take effect immediately.

Approved April 11, 1974.

CHAPTER 19

AN ACT relating to the public transportation system of the State and authorizing the expenditure of funds heretofore appropriated for the improvement of State Highways.

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

1. The Commissioner of Transportation is authorized to expend \$10 million, or so much thereof as may be necessary from the balances of accounts created by funds heretofore appropriated from the State Transportation Fund for State highways and for the improvement of State highways, on the following highway project for the purpose indicated:

Route	Route Description	County	
22	Viaduct over Waverly Railroad Yard	Essex	\$10,000,000

2. This act shall take effect immediately.

Approved April 11, 1974.

CHAPTER 20

AN ACT concerning elevation of certain roads within the Assunpink Creek Watershed 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 that the elevation of Allens road and Windsor Sharon road, Washington township, Mercer county, is of the utmost importance to the flood prevention, soil conservation and recreational objectives of the Assunpink Creek Watershed Program and the general health, safety and welfare of the area. The portions of the roads to be elevated are described as follows: Allens road from its intersection with Windsor Sharon road to a point 500 feet more or less terminating, at elevation 88.0 feet S.L.D. and Windsor Sharon road for a distance of 500 feet

more or less, 250 feet either side of the bridge across the Assunpink creek, terminating at elevations 88.0 feet S.L.D.

2. There is hereby appropriated to the Department of Environmental Protection the sum of \$65,000.00, or so much thereof as may be necessary, from the General State Fund for payment to Washington township, Mercer county, as emergency State aid for the cost of elevating Allens road and Windsor Sharon road.

3. This act shall take effect immediately.

Approved April 15, 1974.

CHAPTER 21

AN ACT concerning unemployment compensation and extended benefits, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. 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 March 31, 1974 and prior to July 1, 1974, a determination that there has been a State "on" or "off" indicator beginning or 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, c. 324 (C. 43:21-24.11 d., e.).

2. Extended benefits shall be paid pursuant to the provisions of this act so long as the payments conform to and are not in conflict with the Federal-State Extended Unemployment Compensation Act of 1970, as amended by United States P. L. 93-256, approved March 28, 1974.

3. This act shall take effect immediately and shall be applied retroactively to April 1, 1974.

Approved April 16, 1974.

CHAPTER 22

AN ACT to amend the title of "An act providing for the foreclosure by any municipality for its own use or by the State in the name of the municipality for the use of the State of rights of redemption of real property from tax sales, supplementing chapter 5 of Title 54 of the Revised Statutes and repealing chapter 333 of the laws of 1947," approved May 28, 1948 (P. L. 1948, c. 96), as said title was amended by P. L. 1964, c. 39, so that the same shall read "An act providing for foreclosure by any municipality for its own use or by the State or a county in the name of the municipality for the use of the State or the county, as the case may be, of rights of redemption of real property from tax sales, supplementing chapter 5 of Title 54 of the Revised Statutes and repealing chapter 333 of the laws of 1947," and to amend P. L. 1964, c. 39 supplementary thereto.

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

Title amended.

1. The title of P. L. 1948, c. 96, as said title was amended by P. L. 1964, c. 39, is amended to read "An act providing for foreclosure by any municipality for its own use or by the State or a county in the name of the municipality for the use of the State or the county, as the case may be, of rights of redemption of real property from tax sales, supplementing chapter 5 of Title 54 of the Revised Statutes and repealing chapter 333 of the laws of 1947."

2. Section 2 of P. L. 1964, c. 39 (C. 54:5-104.32a) is amended to read as follows:

C. 54:5-104.32a In Rem Foreclosure Act, 1948.

2. In any case in which any municipality has conveyed to the State of New Jersey or a county thereof its right, title and interest in any real property, acquired through the purchase of any tax sale certificate covering said real property, the State or the county may, in the name of the municipality, foreclose the rights of redemption of said real property from tax sales, in the name of the municipality but for the use of the State or the county, as the case may be, under the In Rem Tax Foreclosure Act, 1948.

3. Section 3 of P. L. 1964, c. 39 (C. 54:5-104.32b) is amended to read as follows:

C. 54:5-104.32b Procedure.

3. The proceeding shall be begun in the name of the municipality for the use of the State or the county, without the adoption of any resolution by the governing body of the municipality to foreclose any such tax sale certificate, and shall proceed in the same manner as is provided in such In Rem Tax Foreclosure Act and the Rules of the Supreme Court governing such proceeding, in the case in which the proceedings are brought and prosecuted by the municipality for its own use and if a judgment barring the rights of redemption and foreclosing all prior or subsequent alienations and descents of the lands and encumbrances thereon, is entered thereon, it shall adjudge an absolute and indefeasible estate in fee simple in the lands therein described, to be vested in the State or the county, as the case may be, and such judgment shall be binding and final upon all persons in the same manner as though it was entered in favor of the municipality for its own use.

4. This act shall take effect immediately.

Approved April 25, 1974.

CHAPTER 23

AN ACT creating a joint legislative committee to study the methods of financing a thorough and efficient system of public schools and making an appropriation therefor.

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

1. The Legislature finds that it is of paramount importance to the people of this State that the constitutionally required "thorough and efficient" education be provided for all the youth in the State of New Jersey. It also finds that it is the Legislature's responsibility to provide the funding of same. Therefore it is necessary that the Legislature conduct a study of the alternative methods of financing a thorough and efficient system of free public schools.

2. There is hereby created a joint legislative committee which shall consist of five members of the Senate Revenue, Finance and Appropriations Committee, including its chairman and four other members whom he shall appoint, and five members of the Assembly Taxation Committee, including its chairman and four other members whom he shall appoint. All members shall serve without compensation and vacancies in the membership of the committee shall be filled in the same manner as the original appointments are made.

3. It shall be the duty of the committee to study the alternative methods of financing a thorough and efficient system of free public schools.

4. The committee shall be entitled to call to its assistance 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 professional, stenographic and clerical assistants and incur such traveling expenses as it may deem necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The committee shall organize as soon as practicable after the appointment of its members and shall select a chairman and vice-chairman from among its members.

6. The committee may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature at the special session to be called for that purpose, but in any event not later than September 1, 1974, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is hereby appropriated from the General State Fund for the purposes of the committee the sum of \$50,000.00.

8. This act shall take effect immediately and shall expire on December 31, 1974.

Approved April 25, 1974.

CHAPTER 24

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 notices relating to such election were not published as required by the provisions of the "Absentee Voting Law (1953)" (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 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 or, when such time has not theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved April 30, 1974.

CHAPTER 25

AN ACT to repeal section 3 of "An act authorizing the Port Authority of New York and New Jersey to provide improved passenger railroad service as an extension of the Hudson tubes (now known as Port Authority Trans-Hudson) between the cities of Newark and Plainfield in the State of New Jersey, providing

that a statutory covenant relating to the application of the revenues and reserves of the port authority shall not extend to the holders of bonds hereafter issued, and amending and supplementing 'An act to provide for the financing and effectuation by the Port of New York Authority of a port development project, consisting of the Hudson tubes, the Hudson tubes extensions and a world trade center, for coordinating, facilitating, and promoting the transportation of persons and the flow and exchange of trade and commerce in and through the Port of New York District, and agreeing with the State of New York with respect thereto,' approved February 13, 1962 (P. L. 1962, c. 8)" approved December 28, 1972 (P. L. 1972, c. 208) and supplementing said act.

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

C. 32:1-35.55a Repealer.

1. Section 3 of "An act authorizing the Port Authority of New York and New Jersey to provide improved passenger railroad service as an extension of the Hudson tubes (known as Port Authority Trans-Hudson) between the cities of Newark and Plainfield in the State of New Jersey, providing that a statutory covenant relating to the application of the revenues and reserves of the port authority shall not extend to the holders of bonds hereafter issued, and amending and supplementing 'An act to provide for the financing and effectuation by the Port of New York Authority of a port development project, consisting of the Hudson tubes, the Hudson tubes extensions and a world trade center, for coordinating, facilitating, and promoting the transportation of persons and the flow and exchange of trade and commerce in and through the Port of New York District, and agreeing with the State of New York with respect thereto,' approved February 13, 1962 (P. L. 1962, c. 8)," approved December 28, 1972 (P. L. 1972, c. 208, C. 32:1-35.55a) is repealed.

2. If any section, part, phrase, or provision of this repealer act or the application thereof to any person, project or circumstances, be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the

application thereof to other persons, projects or circumstances, and the two states hereby declare that they would have entered into this act or the remainder thereof had the invalidity of such provision or application thereof been apparent.

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

Approved April 30, 1974.

CHAPTER 26

AN ACT to amend and supplement "The New Jersey Campaign Contributions and Expenditures Reporting Act," approved April 24, 1973 (P. L. 1973, c. 83).

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

1. Section 3 of P. L. 1973, c. 83 (C. 19:44A-3) is amended to read as follows:

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 or having sought 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 loans and 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 in 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, partnership, 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.

m. The term “qualified candidate” means:

(1) Any candidate for election to the office of Governor whose name appears on the general election ballot and who has deposited and expended \$40,000.00 pursuant to section 7 of this amendatory and supplementary act; or

(2) Any candidate for election to the office of Governor whose name does not appear on the general election ballot but who has deposited and expended \$40,000.00 pursuant to section 7 of this amendatory and supplementary act.

C. 19:44A-27 Declaration of policy.

2. It is hereby declared to be a compelling public interest and to be the policy of this State that general election campaigns for the office of Governor shall be financed with public support pursuant to the provisions of this act. It is the intention of this act that such financing be adequate in amount so that candidates for election to the office of Governor may conduct their campaigns free from improper influence and so that persons of limited financial means may seek election to the State's highest office.

C. 19:44A-28 Applicability of act.

3. The provisions of this act shall apply to the general election campaign for the office of Governor to be held in November, 1977 and to all subsequent campaigns for election to the office of Governor, except that the provisions of this act shall not apply to any general election campaign for the office of Governor for which the Legislature fails to make an appropriation.

C. 19:44A-29 Limitation of political contributions in aid of candidacy to the office of Governor.

4. a. No person, candidate or political committee, otherwise eligible to make political contributions, shall make any contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election in the aggregate in excess of \$600.00, except as provided by this section. No candidate for election to the office of Governor in a general election and no campaign treasurer or deputy campaign treasurer of such candidate shall knowingly accept from any person, candidate or political committee, any contribution or contributions in aid of such candidate's candidacy or in behalf of such candidate in the aggregate in excess of \$600.00, except as provided by this section.

b. No person or political committee, except the State committee, county committees and municipal committees of any political party, otherwise eligible to make political contributions, shall make any contribution or contributions to a candidate, his campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or committee, in behalf of the winner of a primary election for the

office of Governor in the aggregate in excess of \$600.00 for any purpose after the date of such primary election. No candidate for election to the office of Governor in a general election who has won the preceding primary election, and no campaign treasurer or deputy campaign treasurer of such candidate shall knowingly accept from any person or political committee, except the State committee, county committees and municipal committees of any political party, any contribution or contributions in the aggregate in excess of \$600.00 for any purpose after the date of such primary election.

c. The spouse of any contributor may make a contribution or contributions of up to \$600.00 in the aggregate in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election.

d. No State committee of any political party shall knowingly accept from any person or political committee, any contribution or contributions in the aggregate in excess of \$600.00 in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election, except as provided by subsection c. of this section. A State committee may allocate up to \$600.00 of a contribution in excess of \$600.00 to, in aid of the candidacy of or in behalf of such candidate. A State committee shall create an account in a National or State bank in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, shall deposit in such account and report to the Election Law Enforcement Commission the name of the contributor all moneys accepted or allocated in aid of the candidacy of or in behalf of such candidate, and may make a contribution or contributions from such account in any amount in aid of the candidacy of or in behalf of such candidate. No State committee may make any contribution or contributions in aid of the candidacy of or in behalf of such candidate of moneys not deposited in a bank account pursuant to this subsection, and no State committee may make a contribution or contributions, in aid of the candidacy of or in behalf of such candidate of moneys or other thing of value pledged or received in a year without an election for the office of Governor.

e. The county committees and municipal committees of any political party may make a contribution or contributions of \$100,000.00 in the aggregate in aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election, except that no county committee or municipal

committee may transfer any money to any such candidate or to such candidate's campaign treasurer or deputy campaign treasurer, and except that no county committee and municipal committees in any county may make a contribution or contributions in excess of \$10,000.00 in the aggregate in aid of the candidacy of or in behalf any such candidate. A candidate or his campaign treasurer or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacy of or in behalf of such candidate, and shall file a report of such determination with the Election Law Enforcement Commission no later than the seventh day prior to the general election being funded.

f. Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election.

C. 19:44A-30 Appropriation.

5. The Legislature shall appropriate to the New Jersey Election Law Enforcement Commission out of the General Treasury of the State such sums as are necessary to carry out the purposes of this act, which sums shall constitute a fund for campaign expenses for the general election to the office of Governor to be regulated and distributed by the commission pursuant to this act. Upon notice by the commission, the Legislature shall appropriate to the commission out of the General Treasury such additional sums as may be required to carry out the purposes of this act if the sums first appropriated become inadequate.

C. 19:44A-31 Contributions received before primary election date.

6. No contribution received by or on behalf of any candidate for election to the office of Governor on or before the date of the primary election immediately preceding the general election campaign being funded and not deposited pursuant to section 7 of this amendatory and supplementary act on or before such date may be utilized or expended by or in behalf of such candidate or any other candidate in the general election campaign being funded. Such a contribution shall be returned to its contributor.

C. 19:44A-32 Bank account for candidates; transfer, expenditure.

7. The Election Law Enforcement Commission, shall create an account in a National or State bank in behalf of each candidate for election to the office of Governor in a general election. The commission shall deposit promptly into such an account all moneys received from the campaign treasurer or deputy campaign treasurer of a candidate or from a State committee of any political party in aid of the candidacy of or in behalf of such a candidate, prior to the date on which is held the general election for the office of Governor, provided that such moneys are received pursuant to section 4 of this amendatory and supplementary act and section 12 of the act to which this act is a supplement. Immediately after deposit by the commission, the campaign treasurer or deputy campaign treasurer of any candidate may transfer or expend moneys deposited in such candidate's bank account.

C. 19:44A-33 Receiving of moneys from fund.

8. The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a general election shall promptly receive in behalf of such qualified candidate from the fund for general election campaign expenses moneys in an amount equal to twice the amount of each contribution deposited by the Election Law Enforcement Commission in such qualified candidate's bank account, except that no payment shall be made from the fund for general election campaign expenses to any candidate for the first \$40,000.00 deposited by the commission in such qualified candidate's bank account.

C. 19:44A-34 Forwarding of contributions to commission.

9. a. No contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time shall be forwarded to the Election Law Enforcement Commission or knowingly deposited by the commission into any candidate's bank account.

b. No contribution by any county committee or municipal committee of any political party shall be forwarded to the Election Law Enforcement Commission or knowingly deposited by the commission into any candidate's bank account. A State committee may forward to the commission and have deposited by the commission into any candidate's bank account money in aid of the candidacy of or in behalf of such candidate received pursuant to section 4 of this amendatory and supplementary act and section 12 of the act to which this act is a supplement.

C. 19:44A-35 Rules and regulations for expenditures; purposes.

10. a. All expenditures from the fund for general election campaign expenses shall be made pursuant to rules and regulations of the Election Law Enforcement Commission and shall be strictly limited to the following purposes:

- (1) Purchase of time on radio and television stations;
- (2) Purchase of rental space on outdoor signs or billboards;
- (3) Purchase of advertising space in newspapers and regularly published magazines and periodicals;
- (4) Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;
- (5) Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of any qualified candidate.

b. The limitations in subsection a. of this section upon expenditures from the fund for general election campaign expenses shall not apply to expenditures of private contributions, whether or not such private contributions were deposited in a candidate's bank account pursuant to section 7 of this amendatory and supplementary act.

c. Moneys received by a qualified candidate from the fund for general election campaign expenses may be retained for a period not exceeding 6 months after the general election for the liquidation of all obligations to pay expenses for the purposes permitted by this section which were incurred during the general election campaign. All obligations having been liquidated, all moneys remaining available to any qualified candidate, shall be paid into the fund, except that no candidate shall pay into the fund moneys in excess of moneys received from the fund.

C. 19:44A-36 Moneys spent in aid of candidacy; excess contribution.

11. Moneys received by any qualified candidate from the fund for general election campaign expenses are to be considered "spent in aid of the candidacy of any candidate" for election to the office of Governor for the purpose of section 7 of the act to which this act is a supplement. The Election Law Enforcement Commission shall return to any contributor any contribution, and shall refuse to withdraw from the fund for general election campaign expenses any sum, which results in a candidate's exceeding the limitation of that section.

C. 19:44A-37 Statement by candidate; printing, mailing.

12. The Election Law Enforcement Commission shall, on or before the forty-fifth day prior to the date on which the general election is to be held, supply each county clerk with the text of statements from each candidate for election to the office of Governor. Each candidate for the office of Governor who wishes a statement mailed on his behalf shall submit to the commission, on forms provided by it, his proposed statement which shall not exceed 500 words in length. Each county clerk shall cause the statements submitted by all such candidates to be printed and mailed with the sample ballot for the general election to each registered voter in the county with a short explanation from the commission that such statements are provided pursuant to this law to assist the voters of this State in making their determination among the candidates for the office of Governor. The cost of printing and mailing such statements shall be paid for in the same manner and as part of the costs of printing and mailing the sample ballots.

C. 19:44A-38 Rules and regulations.

13. The Election Law Enforcement Commission may adopt such rules and regulations as may be required to implement the provisions of this act and to carry out its purpose.

C. 19:44A-39 New Jersey Public Broadcasting Commission to promote discussion.

14. The New Jersey Public Broadcasting Commission, P. L. 1968, c. 405 (C. 48:23-1 et seq.), shall promote full discussions of public issues by the candidates for the office of Governor on the ballot in any general election, free of charge to any such candidate. The commission shall make available at least 1 hour of time on its stations for joint appearances by such candidates, and at least 1 additional hour of time on its stations for individual appearances by each of such candidates. The commission may promulgate such rules and regulations as may be necessary to effectuate the purposes of this section.

C. 19:44A-40 Violation of act.

15. a. Any person who willfully and knowingly violates section 4, 6, 9 or 10 of this act is guilty of a misdemeanor.

b. The election to office of any candidate who is guilty of any violation within the description of subsection a. 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-41 Penalties; remission; hearing officer.

16. a. Any person who willfully and knowingly violates sections 4, 6, 9, 10 or 19 of this act 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 sections 4, 6, 9, 10 or 19 of this act, 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 subsection b. 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-42 Construction of act.

17. The provisions of this act shall be construed liberally and applied so as to promote the purposes expressed herein.

C. 19:44A-43 Partial invalidity.

18. 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-44 Borrowing funds; repayment; failure.

19. Notwithstanding any provision of this act any candidate for the office of Governor in a general election, or his campaign treasurer or deputy campaign treasurer may borrow funds from any National or State bank, provided that no person or political committee, other than the candidate himself or the State committee of any political party, may in any way endorse or guarantee such loan. The amount borrowed by any such candidate or his campaign treasurer or deputy campaign treasurer shall in the aggregate not exceed \$50,000.00 and must be re-paid in full by such candidate or his campaign treasurer or deputy campaign treasurer from moneys accepted or allocated pursuant to section 4 of this amendatory and supplementary act 30 days prior to the date of the general election for the office of Governor, and certification of such repayment shall be made by the borrower to the Election Law Enforcement Commission.

Upon the failure of the borrower to repay the full amount borrowed on or before the thirtieth day prior to the date of the general election for the office of Governor, or to certify such repayment to the Election Law Enforcement Commission as required herein, all payments of moneys to such candidate from the fund for general election campaign expenses pursuant to section 8 of this act shall promptly cease; and the Election Law Enforcement Commission shall forthwith seek and may obtain in a summary action in the Superior Court an injunction prohibiting the expenditure by any such candidate of any moneys received by him at any time from the fund for general election campaign expenses pursuant to said section 8 of this act, and any other moneys received by him in aid of his candidacy in said general election for the office of Governor.

20. This act shall take effect immediately.

Approved May 6, 1974.

CHAPTER 27

AN Act establishing and concerning a Department of the Public Advocate as a principal department in the Executive Branch of the State Government, allocating the Office of the Public Defender therein, revising part of the statutory law, and providing an appropriation therefor.

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

ARTICLE I

C. 52:27E-1 Short title.

1. Short title. This act shall be known and may be cited as the "Department of the Public Advocate Act of 1974."

C. 52:27E-2 Establishment.

2. Establishment. There is hereby established in the Executive Branch of the State Government a principal department which shall be known as the Department of the Public Advocate.

As used in this act, unless the context clearly indicates otherwise, the word "department" means the Department of the Public Advocate established herein.

C. 52:27E-3 Commissioner; appointment, term, salary.

3. Commissioner; appointment; term; salary. The administrator and chief executive officer of the department shall be a commissioner, who shall be known as the Public Advocate and who shall be an attorney-at-law of this State and a person qualified by training and experience to perform the duties of his office. The Public Advocate shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the Public Advocate's successor. He shall receive such salary as shall be provided by law.

The Public Advocate may in the discretion of the Governor concurrently hold another position established in or allocated to the Department of the Public Advocate, notwithstanding any requirement of law that he devote his entire time to the duties of one position or the other. In such case the Public Advocate shall receive only the salary provided for the Public Advocate, and not the salary for such other position.

C. 52:27E-4 Powers and duties of Public Advocate.

4. Power and duties of Public Advocate. The Public Advocate, as administrator and chief executive officer of the department, shall:

- a. Administer the work of the department;
- b. Appoint and remove such officers, investigators, stenographic and clerical assistants and other personnel as may be required for the conduct of the department, subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and other applicable statutes, except as provided otherwise herein;
- c. Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;
- d. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;
- e. Institute or cause to be instituted such legal proceedings or processes consistent with the rules governing the courts of New Jersey and the practice of law therein as may be necessary properly to enforce and give effect to any of his powers or duties;
- f. Prepare schedules of rates to be paid for services rendered other than by the staff, taking into account the nature of the services, the time involved, the skill and experience required and other pertinent factors;
- g. Make such reports of the department's operation as the Governor or the Legislature shall from time to time request, or as may be required by law;
- h. Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;
- i. Organize and coordinate the work of the department in such divisions, not inconsistent with the provisions of this act, and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;
- j. Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein;
- k. Maintain suitable headquarters for the department and such other quarters as he shall deem necessary to the proper functioning of the department;
- l. Except as otherwise provided by law, appoint division directors who are qualified by training and experience to direct, under the supervision of the Public Advocate, the several divisions and offices established pursuant to this act. Except for the Public Defender,

such division directors shall serve at the pleasure of the Public Advocate who shall fix their compensation within the limits of available appropriations;

m. Solicit and accept grants of funds from the Federal Government and from private foundations, and allocate or restrict the use of such funds as may be required by the grantor; and

n. Perform such other functions as may be prescribed in this act or by any other law.

C. 52:27E-5 Appointment of Assistant Public Advocate.

5. Appointment of Assistant Public Advocate. The Public Advocate may appoint an Assistant Public Advocate to serve at the pleasure of the Public Advocate. Such appointment shall be in writing and filed with the Secretary of State. The Assistant Public Advocate shall have and exercise the powers and perform the functions and duties of the Public Advocate during the absence or disability of the Public Advocate. The Assistant Public Advocate shall also have and exercise such of the powers and perform such of the functions and duties of the Public Advocate as he shall be authorized and directed by the Public Advocate. Any such authorization and direction shall be in writing, signed by the Public Advocate and filed with the Secretary of State, and shall include a designation of the period during which it shall be and remain in force. No such authorization and direction shall be deemed to preclude the Public Advocate from himself exercising the powers and the performance of the duties included in said authorization and direction. In the event that the Public Advocate shall die, resign or be removed from office, or become disqualified to execute the duties of his office, or a vacancy shall occur in the office of the Public Advocate for any cause whatsoever, the person then holding the office of Assistant Public Advocate shall continue to hold such office and shall have and exercise the powers and perform the functions and duties of the Public Advocate until the successor of the Public Advocate shall be appointed and shall qualify.

The Assistant Public Advocate shall receive such salary as shall be provided by law.

C. 52:27E-6 Appointment of deputy public advocates and expert assistants.

6. The Public Advocate shall appoint deputy public advocates and other expert assistants in such number as he shall require to assist him in the performance of the duties of his office. Deputies shall be attorneys-at-law of this State. Deputies and other expert assistants shall serve at the pleasure of the Public Advocate and shall receive such salaries as he shall from time to time designate.

C. 52:27E-7 Division of Administration.

7. Division of Administration. There is hereby established in the Department of the Public Advocate the Division of Administration to be under the supervision of the Director of the Division of Administration.

C. 52:27E-8 Duties of Division of Administration.

8. It shall be the duty of the Division of Administration to prepare a budget for the department, fulfill personnel requirements, provide public information concerning department activities, and conduct such research as the Public Advocate determines to be relevant and necessary to the department's functions.

9. Section 3 of P. L. 1967, c. 43 (C. 2A:158A-3) is amended to read as follows:

C. 2A:158A-3 Office of Public Defender.

3. There is hereby established in the Executive Branch of the State Government the Office of the Public Defender. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Public Defender is hereby allocated within the Department of the Public Advocate, but, notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

C. 52:27E-9 Duties of Public Defender unchanged.

10. Allocation of the Office of Public Defender to the Department of the Public Advocate as provided herein shall not alter or change the term, tenure of office, rights, obligation, duties or responsibilities otherwise provided by law for the Public Defender.

C. 52:27E-10 Office of Inmate Advocacy; established.

11. Office of Inmate Advocacy: established. There is hereby established in the Office of the Public Defender the Office of Inmate Advocacy.

C. 52:27E-11 Inmate; defined.

12. Inmate: defined. As used in this article, "inmate" shall mean any person who is committed to or confined in a jail, prison, lockup, penitentiary, reformatory, training school or other similar facility within the State of New Jersey.

C. 52:27E-12 Office of Inmate Advocacy; duties.

13. Office of Inmate Advocacy: duties. The Office of Inmate Advocacy may represent the interests of inmates in such disputes and litigation, as will, in the discretion of the Public Defender, best

advance the interests of inmates as a class on an issue of general application to them, and may act as representative of inmates with any principal department or other instrumentality of State, county or local government. The provisions of this section shall not be construed to expand the authority or responsibility of the Public Defender to represent inmates as individuals.

C. 52:27E-13 Professional responsibilities.

14. Professional responsibilities. The primary duty of all staff members and of others engaged by the department on a temporary or case basis shall be to the individual client, with like effect and to the same purpose as though privately engaged by the client and without regard to the use of public funds to provide the service. This responsibility shall not preclude the designation or assignment of different individuals to perform various parts of the service from time to time, the duty in such cases to be the same as would exist in the case of a privately engaged law firm.

C. 52:27E-14 Attorney-client privilege.

15. Attorney-client privilege. All communications between the individual client and any attorney in or engaged by the Department of the Public Advocate shall be fully protected by the attorney-client privilege to the same extent and degree as though counsel has been engaged privately. This privilege shall in no way preclude the use by the department of material in its files, otherwise privileged, for the preparation and disclosure of statistical, case study and other sociological data, provided always that in any such use there shall be no disclosure of the identity or the means for discovering the identity of particular clients.

C. 52:27E-15 Standard of performance.

16. Standard of performance. In providing legal services to clients pursuant to this act, every attorney, whether a member of the staff or engaged by the department on a temporary or case basis, shall adhere to the standards of performance established from time to time by the Supreme Court of New Jersey in the execution of its duty to supervise the practice of law; and the department shall furnish to such court materials and data as may be requisite to the measurement of the adequacy of the performance hereunder.

ARTICLE II**C. 52:27E-16 Division of Rate Counsel; established.**

17. Division of Rate Counsel: established. There is hereby established in the Department of the Public Advocate the Division of Rate Counsel to be under the supervision of the Director of the Division of Rate Counsel.

C. 52:27E-17 Director, Division of Rate Counsel; staff.

18. Director, Division of Rate Counsel: staff. The Director of the Division of Rate Counsel shall be an attorney-at-law of this State and may employ such assistants on a full-time basis as are necessary to protect the public interest. When exceptional circumstances arise, the Director of the Division of Rate Counsel, with the approval of the Public Advocate, may on a temporary basis retain such other expert assistants as are necessary to protect the public interest, pursuant to a reasonable fee schedule established in advance by the Public Advocate.

Cases shall be assigned to staff attorneys or to attorneys hired by case on a basis calculated to provide competent representation in the light of the nature of the case, the services to be performed, the experience of the particular attorney and other relevant factors.

C. 52:27E-18 Division of Rate Counsel; jurisdiction.

19. Division of Rate Counsel: jurisdiction. The Division of Rate Counsel shall represent and protect the public interest as defined in section 31 of this act in proceedings before and appeals from any State department, commission, authority, council, agency or board charged with the regulation or control of any business, industry or utility regarding a requirement that the business, industry or utility provide a service or regarding the fixing of a rate, toll, fare or charge for a product or service. The Division of Rate Counsel may initiate any such proceedings when the director determines that a discontinuance or change in a required service or a rate, toll, fare or charge for a product or service is in the public interest.

C. 52:27E-19 Payment of expenses of Division of Rate Counsel.

20. a. Payment of expenses of Division of Rate Counsel. Whenever the Division of Rate Counsel represents the public interest in a proceeding initiated by application of a business, industry or utility other than an insurance company or nonprofit service plan subject to the provisions of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes for authority to increase the rate, toll, fare or charge charged by it for any product or service or

in a proceeding initiated by application of a business, industry or utility to discontinue or change any required service, the Director of the Division of Rate Counsel may assess the business, industry or utility up to $\frac{1}{10}$ of 1% of its revenues derived in the calendar year last preceding the institution of such proceeding from its intrastate sales of the product supplied or intrastate service rendered, the rate, toll, fare or charge for which, or the discontinuance or charge for which, is the subject matter of such proceeding, or \$500.00, whichever is greater. The assessment shall not exceed \$500,000.00, unless the compensation and expenses of counsel, experts and assistants employed by the division in such proceeding exceed \$500,000.00, in which case the director shall send the business, industry or utility an itemized statement setting forth the amount, as of the date of such statement, of the compensation and expenses.

b. Whenever the Division of Rate Counsel represents the public interest in a proceeding initiated by an insurance company or nonprofit service plan subject to Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes for authority to increase or change the charges for insurance, the director shall send each insurer, nonprofit service plan or rating organization involved in such proceeding a statement of the compensation and expenses of counsel, experts and assistants employed by the division in such proceeding, together with an appropriate allocation to such insurance company, nonprofit service plan or rating organization of its fair share thereof.

c. All assessments or statements of compensation and expenses shall be paid by the business, industry or utility to the Department of the Treasury within 30 days after the date of assessment. The State Treasurer, upon receipt of any payment by the business, industry or utility pursuant to the provisions of this act, shall cause the same to be deposited in the General State Fund.

d. Any and all amounts paid by the business, industry or utility pursuant to this act shall be deemed to be operating expenses.

C. 52:27E-20 Transfer of powers and duties of Attorney General pertaining to public utility rate hearings.

21. Transfer of powers and duties of Attorney General pertaining to public utility rate hearings.

All the functions, powers and duties heretofore exercised by the Attorney General pertaining to the employment, on a temporary basis of legal counsel, experts and assistants to protect the public interest pursuant to P. L. 1951, c. 357 (C. 48:2-31.1, et seq.) and all

amendments and supplements thereto, are hereby transferred to and vested in the Division of Rate Counsel.

ARTICLE III

C. 52:27E-21 Division of Mental Health Advocacy; established.

22. Division of Mental Health Advocacy: established. There is hereby established in the Department of the Public Advocate the Division of Mental Health Advocacy under the supervision of the Director of the Division of Mental Health Advocacy.

C. 52:27E-22 Director to employ assistants.

23. The Director of the Division of Mental Health Advocacy may, with the approval of the Public Advocate, employ such assistants on a full-time basis as are necessary. When exceptional circumstances arise, the Director of the Division of Mental Health Advocacy, with the approval of the Public Advocate, may on a temporary basis retain such other expert assistants as are necessary pursuant to a reasonable fee schedule established in advance by the Public Advocate.

Cases shall be assigned to staff attorneys or attorneys hired by case on a basis calculated to provide competent representation in light of the nature of the case, the services to be performed, the experience of the particular attorney and other relevant factors.

C. 52:27E-23 Indigent mental hospital admittee; defined.

24. Indigent mental hospital admittee: defined. As used herein "indigent mental hospital admittee" means a person who has been admitted to and is a patient in a mental hospital, an institution for the care and treatment of the mentally ill, or a similar facility, whether public or private, State, county or local, or who is the subject of an action for admission as provided by R. S. 30:4-27 and who does not have the present financial ability to secure competent legal representation and to provide all other necessary expenses of representation.

C. 52:27E-24 Legal representation and medical consultation.

25. Legal representation and medical consultation. The Division of Mental Health Advocacy may provide such legal representation and medical consultation as the director deems appropriate for any indigent mental hospital admittee in any proceeding concerning the admittee's admission to, retention in, or release from confinement in such a hospital, institution or facility.

C. 52:27E-25 Class actions.

26. Class actions. The Division of Mental Health Advocacy may, with the approval of the Public Advocate, represent the interests of indigent mental hospital admittees in such disputes and litigation, as will, in the discretion of the Director of the Division of Mental Health Advocacy, best advance the interests of indigent mental hospital admittees as a class on an issue of general application to them, and may act as representative of indigent mental hospital admittees with any principal department or other instrumentality of State, county or local government.

C. 52:27E-26 Eligibility for services.

27. Eligibility for services. Eligibility for the services of the Division of Mental Health Advocacy shall be determined on the basis of the need of the client. Need shall be measured according to the financial ability of the client to engage and compensate competent private counsel and to provide all other necessary expenses of representation. Such ability shall be recognized to be a variable depending on the nature, extent and liquidity of assets and on the disposable net income of the client on the one hand, and on the nature of the case, the effort and skill required to gather pertinent information, render advice, conduct trial or render other legal services, and probable expenses to be incurred, on the other hand. In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered, or if an initial determination is found to be erroneous, the division shall undertake the same provisionally, and if it shall subsequently determine that the client is ineligible it shall so inform the client, and the client shall thereupon with the approval of the court be obliged to engage his own counsel and to reimburse the division for the cost of the services rendered to that time.

C. 52:27E-27 Financial status of defendant; investigation.

28. Financial status of defendant; investigation. The Division of Mental Health Advocacy shall make such investigation of the financial status of each client as the circumstances warrant. The division, pursuant to rules and regulations promulgated by the department for the purpose, may obtain information from any public record, office of the State or of any subdivision or agency thereof on request and without payment of the fees ordinarily required by law.

ARTICLE IV

C. 52:27E-28 Division of Public Interest Advocacy; established.

29. Division of Public Interest Advocacy: established. There is hereby established in the Department of the Public Advocate the Division of Public Interest Advocacy under the supervision of the Director of the Division of Public Interest Advocacy, who shall be an attorney-at-law of this State.

C. 52:27E-29 Division of Public Interest Advocacy; jurisdiction.

30. Division of Public Interest Advocacy: jurisdiction. The Division of Public Interest Advocacy may represent the public interest in such administrative and court proceedings, other than those under the jurisdiction of the Division of Rate Counsel pursuant to Article II herein, as the Public Advocate deems shall best serve the public interest.

C. 52:27E-30 Public interest; defined.

31. Public interest: defined. As used in this act, public interest shall mean an interest or right arising from the Constitution, decisions of court, common law or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens.

C. 52:27E-31 Decision to represent particular public interest.

32. Decision to represent particular public interest. The Public Advocate shall have sole discretion to represent or refrain from representing the public interest in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of the department. If the Public Advocate determines that there are inconsistent public interests involved in a particular matter, he may choose to represent one such interest based on the considerations in this section, to represent no interest in that matter, or to represent one such interest through the Division of Public Interest Advocacy and another or others through other divisions of the department or through outside counsel engaged on a case basis.

C. 52:27E-32 Division of Public Interest Advocacy; power.

33. Division of Public Interest Advocacy: power. The Division of Public Interest Advocacy may represent and protect the public interest by:

a. Intervening in or instituting proceedings before any department, commission, agency or board of the State leading to an

administrative adjudication or administrative rule as defined in section 2 of P. L. 1968, c. 410 (C. 52:14B-2).

b. Instituting litigation on behalf of a broad public interest when authorized to do so by the Public Advocate.

ARTICLE V

C. 52:27E-33 Division of Citizen Complaints and Dispute Settlement; established.

34. Division of Citizen Complaints and Dispute Settlement. There is hereby established in the Department of the Public Advocate the Division of Citizen Complaints and Dispute Settlement under the supervision of the Director of the Division of Citizen Complaints and Dispute Settlement.

C. 52:27E-34 Office of Citizen Complaints; established.

35. There is hereby established in the Division of Citizen Complaints and Dispute Settlement the Office of Citizen Complaints.

C. 52:27E-35 Definitions.

36. Definitions. a. "Agency" means and includes the State of New Jersey, and its principal departments, and any division, bureau, board, commission, agency, office, authority or institution of the Executive Branch of the State Government, and any officer, employee, or member thereof acting or purporting to act in the exercise of his official duties, except the Governor and his personal staff. "Agency" shall not include any portion of the legislative or judicial branches of government, or any unit of county or municipal government.

b. "Administrative act" means and includes any action, omission, decision, recommendation, practice or procedure of an agency, but does not include the preparation, presentation or introduction of legislation.

C. 52:27E-36 Powers and duties.

37. Powers and duties. The office shall, under the direction and supervision of the Director of the Division of Citizen Complaints and Dispute Settlement, in addition to other powers and duties, vested in it by this act, or any other law:

a. Receive and forward to appropriate agencies of the State for determination complaints from any citizen relating to the administrative action or inaction of agencies.

b. Investigate any complaint from any citizen relating to the administrative action or inaction of any agency, whether or not such action or inaction is final, where the complaint indicates that the action or inaction may have been:

(1) Unreasonable, unfair, oppressive or discriminatory, although in accordance with law;

(2) Unaccompanied by an adequate explanation;

(3) Performed in an inefficient manner.

c. Maintain records indicating the final disposition of any complaint forwarded by the office to an agency.

C. 52:27E-37 Notice to complainant and agency.

38. Notice to complainant and agency. The Office of Citizen Complaints shall determine whether a complaint is or is not an appropriate subject for investigation under section 37 of this act, and shall inform the complainant of that decision, stating its reasons therefor. If the office decides to investigate a complaint, it shall also notify the affected agency of its decision.

C. 52:27E-38 Procedure after investigation.

39. Procedure after investigation. If, after investigation, the Office of Citizen Complaints finds that:

a. A matter should be further considered by the agency;

b. An administrative action or inaction should be modified or canceled;

c. A statute or regulation on which an administrative action or inaction is based should be altered;

d. Reasons or more complete reasons should be given for an administrative action or inaction; or

e. Any other action should be taken by the agency;

it shall report its findings and recommendations to the Public Advocate who may request the agency to notify him, within a specified time, of the action taken on such recommendations. The Public Advocate may refer the findings and recommendations of the Office of Citizen Complaints to the Division of Public Interest Advocacy, or if appropriate, to the Division of Rate Counsel.

C. 52:27E-39 Notice to the complainant.

40. Notice to the complainant. After a reasonable time has elapsed, the Office of Citizen Complaints shall notify the complainant of the action taken by the office and by the agency which was the subject of the complaint.

C. 52:27E-40 Office of Dispute Settlement; established.

41. Office of Dispute Settlement. There is hereby established in the Division of Citizen Complaints and Dispute Settlement the Office of Dispute Settlement.

C. 52:27E-41 Office of Dispute Settlement; services.

42. The Office of Dispute Settlement may in the discretion of the Public Advocate provide mediation, conciliation and other third party services to community and civic groups, associations and organizations, and to municipal and county governmental agencies for the purpose of aiding such parties in resolving disputes which involve the public interest, provided that such groups, associations, organizations and governmental agencies request such services.

ARTICLE VI**C. 52:27E-42 Actions before courts or agencies to be brought in Public Advocate's or affected individual's name.**

43. Any action brought by the Public Advocate or any persons authorized herein to institute or participate in actions before the courts or agencies of this State shall be brought in the name of the person serving as the Public Advocate or in the name of an affected individual or group, but shall not be brought in the name of the State or the people thereof.

C. 52:27E-43 Construction of act.

44. The provisions of this act in and of themselves shall not be construed so as to create any new causes of action, or to authorize any suit against the Legislature or either House or the officers thereof.

C. 52:27E-44 Applicability of "State Agency Transfer Act."

45. Applicability of "State Agency Transfer Act." This act shall be subject to the provisions of the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1, et seq.).

C. 52:27E-45 Repeal of inconsistent statutory provisions.

46. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, superseded and repealed.

C. 52:27E-46 Public Advocate to present report to Governor and Legislature.

47. The Public Advocate shall present a detailed report of the operation of Article IV and sections 11, 12 and 13 of this act to the Governor and to each member of the Legislature on December 1 of each year.

Article IV and sections 11, 12 and 13 of this act shall terminate and be of no further force and effect on December 1, 1978 unless extended by act of the Legislature.

C. 52:27E-47 Partial invalidity.

48. 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.

49. Appropriation. There is hereby appropriated to the Department of the Public Advocate the sum of \$250,000.00, for the fiscal year ending June 30, 1974.

Repealer.

50. P. L. 1951, c. 357 is repealed.

51. Effective date. This act shall take effect 30 days after enactment. Anticipatory action may be taken in advance thereof, including the making of authorized appointments, and confirmation or approval thereof, and; within the limits of funds available to the department, the expenditure of funds for payment of salaries and expenses incident thereto.

Approved May 13, 1974.

CHAPTER 28

A SUPPLEMENT to "An act relating to the public transportation system of the State and making appropriations for the improvement of State highways and the improvement of mass transportation facilities," approved January 23, 1969 (P. L. 1968, c. 424).

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

1. The Department of Transportation is hereby authorized and directed to undertake immediately the improvement and electrification of the New York and Long Branch Railroad and may expend for such purpose such funds as may be required to carry out the purposes of this act within the limits of the appropriations heretofore made for this purpose by the act to which this is a supplement and by the additional appropriations provided in P. L. 1970, c. 97 and P. L. 1971, c. 163. The department shall report annually on the

progress of this project to the Governor and the appropriate Senate and Assembly Committees.

2. This act shall take effect immediately.

Approved May 14, 1974.

CHAPTER 29

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:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RESOURCE MANAGEMENT

41320. FOREST RESOURCE MANAGEMENT

Extraordinary:

Supplemental requirement for forest fire fighting costs	\$100,000
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2. This act shall take effect immediately.

Approved May 23, 1974.

CHAPTER 30

AN ACT concerning voter registration, amending R. S. 19:6-1, 19:14-21, 19:14-25, 19:31-2, 19:31-3, 19:31-5, 19:31-6, 19:31-7, 19:31-11, 19:31-13, 19:31-18, 19:49-4, P. L. 1966, c. 177, section 1 and P. L. 1947, c. 347, section 2 and supplementing chapter 31 of Title 19 of the Revised Statutes.

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

1. R. S. 19:6-1 is amended to read as follows:

Membership.

19:6-1. The district boards in each election district shall consist of four members, who shall be appointed by the county board of the county in which such election district is located, in the manner hereinafter provided.

In election districts in which the primary language of 10% or more of the registered voters is Spanish, the county board shall appoint two additional members who shall be of Hispanic origin and fluent in Spanish.

2. R. S. 19:14-21 is amended to read as follows:

Preparation; delivery of sample ballots and envelopes to municipal clerk or commissioner of registration.

19:14-21. The county clerk shall cause samples of the official general election ballot to be printed in English, but for each election district within the county in which the primary language of 10% or more of the registered voters is Spanish, shall cause samples of the official general election ballot to be printed bilingually in English and Spanish.

a. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the county clerk not later than noon of the eighth day prior to the general election shall furnish to the municipal clerk of each municipality in his county one and one-tenth times as many such sample ballots and stamped envelopes as there are voters registered, to enable each district board in each municipality to mail one of such sample ballots to each voter who is registered in the municipality for such election and shall take a receipt for the same from each of the

municipal clerks, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery.

b. In counties having a superintendent of elections, and in other counties where the county board of elections may have the equipment or facilities to prepare a properly stamped envelope addressed to each registered voter in the county for mailing, the county clerk, not later than the thirtieth day preceding the general election, shall furnish to the commissioner of registration located in his county one and one-tenth times as many stamped envelopes as there are registered voters in the county and not later than noon of the twelfth day preceding the general election shall furnish to the commissioner of registration located in the county, one and one-tenth times as many sample ballots as there are registered voters in the county to enable the commissioner of registration of the county to mail one of such sample ballots to each voter registered in the county for such election and shall take a receipt for the same from the commissioner of registration, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery. County boards of elections which elect to operate under the provisions of this paragraph shall notify their county clerk in sufficient time to enable him to make the necessary arrangements the first year.

c. The county clerk in counties having a superintendent of elections shall also deliver to the county board not later than the twelfth day preceding the general election 10 such sample ballots of each election district of each municipality in the county.

3. R. S. 19:14-25 is amended to read as follows:

Mailing by district board or commissioner of registration; county board of elections; duties of.

19:14-25. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, all the members of each of the district boards shall prepare and deposit in the post office, on or before 12 noon on Wednesday preceding the general election day, a properly stamped envelope containing a copy of the sample ballot printed in English, addressed to each registered voter in the district of such board at the address shown on the register, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a

properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The board shall also post the appropriate sample ballots in the polling place in its district.

The board shall return to the municipal clerk all ballots and envelopes not mailed or posted by it, with a sworn statement in writing signed by a majority of the board that all the remainder of such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, the commissioner of registration shall prepare and deposit in the post office on or before 12:00 o'clock noon, on the Wednesday preceding the general election day, a properly stamped envelope containing a copy of the sample ballot printed in English addressed to each registered voter in the county at the address shown on the registry, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The commissioner of registration shall return to the county clerk all ballots and envelopes not mailed or posted by him, with a sworn statement in writing signed by him that all the remainder of such ballots and envelopes have been mailed.

The county board of elections, in all counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, shall, not later than noon of the second Monday preceding the election, deliver or mail to the members of the district board three appropriate sample ballots for their respective election district. The board shall post the appropriate sample ballots in the polling place in its district.

4. R. S. 19:31-2 is amended to read as follows:

Commissioner of registration; temporary and permanent employees; civil service; expenses; powers and duties.

19:31-2. In all counties having a superintendent of elections, the superintendent of elections is hereby constituted the commissioner of registration and in all other counties the secretary of the county board is hereby constituted the commissioner of registration.

The commissioner of registration in all counties having a superintendent of elections, and the county board in all other counties, shall have complete charge of the permanent registration of all eligible voters within their respective counties.

The commissioner of registration in counties of the first class having a superintendent of elections and having less than 800,000 inhabitants, and the county board in all other counties, shall have power to appoint temporarily, and the commissioner of registration in counties of the first class having more than 800,000 inhabitants shall have power to appoint on a permanent, or temporary basis, such number of persons, as in his or its judgment may be necessary in order to carry out the provisions of this Title. All persons appointed by the commissioner of registration in counties of the first class having more than 800,000 inhabitants to serve for terms of more than 6 months in any 1 year shall be in the classified service of the civil service and shall be appointed, and hold their positions, in accordance with the provisions of Title 11, Civil Service. Persons appointed by the commissioner of registration in such counties to serve for terms of 6 months or less in any 1 year and persons appointed by the commissioner of registration, or by the county board of elections, in other counties shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service.

In each county the commissioner of registration, as defined in this section, shall provide evening registration facilities for the registration of persons who are or may be entitled to vote at the primary and general election in said counties.

In each county the commissioner of registration shall submit to the Secretary of State on or before February 15 of each year a plan providing for evening registration for the primary election and on or before July 1 plans providing for evening and mobile registration for the general election, which plans shall be subject to approval by the Secretary of State. Evening registration shall be made available in each municipality between the hours of 4 p.m. and 9 p.m. for at least 6 working days immediately preceding the close of registration and at least once each week between the hours of 6 p.m. and 9 p.m. during the 6 calendar weeks immediately preceding the close of registration for the primary and general elections and for municipal elections. Such plan for mobile registration may include door-to-door registration, and shall include the schedule and route to be followed by the mobile registration units, as well as a description of the number and nature of units to be

used, and such further pertinent information as the Secretary of State may by rule or regulation require. Mobile registration shall be made available pursuant to such plan in each municipality having a population in excess of 7,500 persons according to the most recent United States census.

On or before the last school day on which a person may register to be entitled to vote in the ensuing primary or general election, the commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall arrange for and conduct registration in each public and nonpublic high school in the county, of all students who are eligible to register to vote in the ensuing election. School officials shall cooperate with efforts to register students in such schools.

The commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall provide such printed forms, blanks, supplies and office telephone and transportation equipment and shall prescribe such reasonable rules and regulations not inconsistent with those of the Secretary of State as are necessary in the opinion of the commissioner or county board to carry out the provisions of this Title and any amendments or supplements thereto.

Subject to the limitations set forth in chapter 32 of this Title as hereby amended all necessary expenses incurred, as and when certified and approved by the commissioner of registration in counties having a superintendent of elections, and by the county board in all other counties, shall be paid by the county treasurer of the county.

Nothing in the provisions of subtitle 2 of the Title, Municipalities and Counties (40:16-1 et seq.), shall in anywise be construed to affect, restrict or abridge the powers herein conferred on the commissioners in counties having a superintendent of elections, and upon the county boards in all other counties.

All powers granted to the commissioner in all counties not having superintendents of elections by the provisions of this Title are hereby conferred on the county board in such counties and any and all duties conferred upon the commissioner in all counties not having a superintendent of elections by the provisions of this Title shall only be exercised and performed by such commissioner under the instructions and directions of and subject to the approval of the county board of such counties.

5. R. S. 19:31-3 is amended to read as follows:

Permanent registration forms; original and duplicate forms; contents.

19:31-3. a. Permanent registration forms for the registration of voters shall be prepared and supplied by the commissioner in sufficient quantities to enable all eligible voters to register. Such forms shall consist of an equal number of original forms of one color and duplicate forms of another color. Each set of original and duplicate permanent registration forms shall be serially numbered and each of such forms shall be suitable for locking in a looseleaf binder, shall be approximately 10 inches by 16 inches so as to contain on the face thereof a margin of approximately 2 inches for binding, and shall contain the information hereinafter required.

b. Space shall be provided on both the original and duplicate forms at the top for the word "original" on the original forms and the word "duplicate" on the duplicate forms, to be followed immediately below by the words "permanent registration" on both forms, which shall contain the following information concerning each applicant for registration:

- (1) The full name, including middle initials if any
- (2) The place of residence and street address. If the applicant resides in a hotel, apartment or tenement house or institution, such additional information shall be included as may be deemed necessary to give the exact location of the applicant's place of residence.
- (3) The applicant's statement that he is 18 years of age or over, that he is a citizen of the United States and of the State of New Jersey, that he will have resided in the State of New Jersey for at least 30 days and in the county for at least 30 days immediately preceding the next general election, all of which shall be indicated by the word "Yes."
- (4) Whether he is a native-born citizen or a citizen by naturalization.
- (5) The name of the municipality and house number and street in such municipality from which he last registered.
- (6) The signature in person or by the mark of the applicant.
- (7) Immediately above the space for the signature of the applicant shall be printed these words: "I, being duly sworn on oath (or affirmation), depose and say (or affirm), to the best of my knowledge and belief, that the foregoing statements made by me are true and correct."
- (8) Date of filling out the blank and the signature of the person recording such information and taking such affidavit and the authority of the person taking such affidavit.

Following the above information shall appear additional questions to be answered only in the event that the applicant is unable to sign his name; leaving space above the questions for the words "identification statement" followed immediately below by the words "applicant unable to sign name."

(9) What is your full name?

(10) What is or was your father's full name?

(11) What is or was your mother's full name?

(12) Are you married or single?

(13) Where did you actually reside immediately prior to taking up your present residence; state floor and character of premises?

(14) Immediately below shall be printed these words: "I, being duly sworn on oath (or affirmation), depose and say (or affirm), to the best of my knowledge and belief, that the foregoing statements made by me are true and correct."

(15) Date of filling out the answers, and the signature of the person recording such answers and taking such affidavit and the authority of the person taking such affidavit.

Immediately to the left of the above permanent registration and identification statement shall be printed a column approximately 2½ inches wide for subsequent changes in address or removals of such applicant from one district to another.

Immediately to the right of the permanent registration and identification statement shall be printed a form for recording the fact that the registered voters have voted. The face of the record of voting form shall be ruled to provide for serial number, the words "original voting record" on the original record of voting form and the words "duplicate voting record" on the duplicate record of voting forms, followed by the name, address and the municipality, ward and district of the registrant at the top of the space. The remainder of the space shall be ruled to provide a record for a period of 20 years of the number of the ballot cast by the registrant at the primary election for the general election, the general election and other elections and also the first three letters of the name of the political party whose ballot such registrant cast at the primary election for the general election.

c. The original and duplicate permanent registration and voting forms shall be in substantially the following form:

Duplicate		No. 18		
VOTING RECORD				
Name.....				
Street Address.....				
Municipality.....				
Ward.....		District.....		
Year	Primary Election		General Election Ballot No.	Other Elections
	Political Party	Ballot No.		
1941				
1942				
1943				
1944				
1945				
1946				
1947				
1948				
1949				
1950				
1951				
1952				
1953				
1954				
1955				
1956				
1957				
1958				
1959				
1960				

Form X		DUPLICATE PERMANENT REGISTRATION	
CHANGE IN ADDRESS		Name..... First name in full, Middle Initials Only.	
To.....		Residence..... Street Address.	
Municipality.....		Municipality..... Ward..... District.....	
Ward.... District.....		Exact Location:..... Apt. No..... Room No..... Floor No..... Use only for three or more Family Houses, Apartments, Hotels, Tenements or Institutions.	
Date.....		Are you 18 years of age or over; are you a citizen of the United States and of New Jersey; will you have resided in said State at least 30 days and in the County of Essex at least 30 days on or before the next General Election?.....	
To.....		Are you a Native Born or Naturalized Citizen?.....	
Municipality.....		Municipality, house number and street from which last registered.	
Ward.... District.....		State of New Jersey, } ss. County of Essex	
Date.....		I, being duly sworn on oath (or affirmation), depose and say (or affirm), to the best of my knowledge and belief, that the foregoing state- ments made by me are true and correct. Sworn and Subscribed before me at..... this..... day of..... 19.....	
To.....		Signature or mark of applicant.	
Municipality.....		Signature of person taking affidavit.	
Ward.... District.....		Authority of person taking affidavit.	
Date.....		IDENTIFICATION STATEMENT	
To.....		To be used only when Voter is unable to Sign His or Her Name.	
Municipality.....		What is your full name?	
Ward.... District.....		What is, or was, your father's full name?	
Date.....		What is, or was, your mother's full name?	
To.....		Are you Married or Single?..... Where did you actually reside prior to taking up your present residence; state floor and character of premises.	
Municipality.....		I, being duly sworn on oath (or affirmation), depose and say (or affirm), to the best of my knowledge and belief, that the foregoing state- ments made by me are true and correct. Sworn to before me at..... this..... day of..... 19.....	
Ward.... District.....		Authority of person taking affidavit. Signature of person taking affidavit.	
Date.....			

6. R. S. 19:31-5 is amended to read as follows:

Persons entitled to register; registration permanent; inactive file; re-registration.
19:31-5. Each person, who at the time he applies for registration resides in the district in which he expects to vote, who will be of the age of 18 years or more at the next ensuing general election, who is a citizen of the United States, and who, if he continues to reside in the district until the next general election, will at the

time have fulfilled all the requirements as to length of residence to qualify him as a legal voter, shall, unless otherwise disqualified, be entitled to be registered in such district; and when once registered shall not be required to register again in such district as long as he resides therein, except when required to do so by the commissioner, because of the loss of or some defect in his registration record.

The registrant, when registered as provided in this Title, shall be eligible to vote at any election to be held subsequent to such registration, if he shall be a citizen of the United States of the age of 18 years and shall have been a resident of the State for at least 30 days and of the county at least 30 days, when the same is held, subject to any change in his qualifications which may later disqualify him; but if such registrant does not vote at any election during 4 consecutive years his original and duplicate permanent registration and record of voting forms shall be removed to the inactive file and he shall be required to reregister before being allowed to vote at any subsequent election.

7. R. S. 19:31-6 is amended to read as follows:

Place of registration; notice; oath; questions; signature by mark; ill person.

19:31-6. Up to and including the twenty-ninth day preceding any election the commissioner, in counties having a superintendent of elections, and the members of the county board in all other counties, or a duly authorized clerk or clerks acting for him or it, as the case may be, shall receive the application for registration of all eligible voters who shall personally appear for registration during office hours at the office of the commissioner or the county board, as the case may be, or at such other place or places as may from time to time be designated by him or it for registration.

When any person shall apply to the commissioner in writing setting forth that due to a chronic or incurable illness, or that he is totally incapacitated and he cannot attend a place of registration and such application is accompanied by an affidavit by a physician duly licensed to practice medicine in this State certifying that such person is chronically or incurably ill or totally incapacitated, that such person is mentally competent and that such person cannot attend a place of registration, then the commissioner shall cause such person to be registered at his place of residence or confinement.

A duly authorized clerk is any person that has been appointed by the commissioner or the county board, as the case may be, to accept such registrations.

When the commissioner or county board has designated a place or places other than his office or its office for receiving registrations, he or it, as the case may be, shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located. Such notice shall be published within at least 7 days of the time that such place or places shall be open for registration and shall contain the address or addresses of such place or places and the dates and hours upon which they shall remain open.

Any eligible voter who applies for registration in person shall subscribe to the following oath or affirmation, viz.:

“You do solemnly swear (or affirm) that you will fully and truly answer such questions as shall be put to you touching your eligibility as a voter under the laws of this State.”

Upon being sworn the applicant shall answer such questions as are provided for in the original and duplicate permanent registration forms hereinbefore set forth, and the person receiving the application shall fill out the forms which the applicant shall sign. If an eligible voter is unable to write his name, he shall be required to make a cross, which shall be followed by the writing of the words “his or her mark,” as the case may be, by the person receiving the application, and such applicant shall answer the additional questions required under this Title. Such additional questions shall be sworn to or affirmed in the manner above provided.

8. Section 1 of P. L. 1966, c. 177 (C. 19:31-6.1) is amended to read as follows:

C. 19:31-6.1 Acceptance of application for registration.

1. Notwithstanding any other provisions of the Title to which this act is a supplement, any person authorized by law to accept applications for voter registration shall accept, during the 28-day period prior to any election, the application for registration of all eligible voters who shall personally appear for registration before such person, or the registration card mailed or delivered to such person, but no eligible voter so registered shall be entitled to vote in the election immediately following said 28-day period. Any person registered under the provisions of this act shall be advised that he will not be eligible to vote in the election immediately forthcoming but will be eligible to vote in elections held thereafter.

Applications for registration pursuant to the provisions of this act shall be received at such place or places as may be designated by any duly authorized election official.

9. R. S. 19:31-7 is amended to read as follows:

Registration by municipal clerks.

19:31-7. For the convenience of the voters the respective municipal clerks or their duly authorized clerk or clerks in all municipalities shall also be empowered to register applicants for permanent registration up to and including the twenty-ninth day preceding any election and after any such election in the manner indicated above, subject to such rules and regulations as may be prescribed by the commissioner, in counties having a superintendent of elections, and the county board in all other counties. Duly authorized clerk as used in this section shall mean a clerk who resides within the municipality and has been approved by the commissioner or the county board as the case may be. For this purpose the commissioner shall forward to each municipal clerk a sufficient supply of the original and duplicate permanent registration forms. The commissioners shall keep a record of the serial numbers of these forms and shall periodically make such checks as are necessary to accurately determine if all such forms are satisfactorily accounted for. Each municipal clerk shall transmit daily to the commissioner all of the filled out registration forms that he may have in his office at the time.

10. R. S. 19:31-11 is amended to read as follows:

Change of residence notice.

19:31-11.a. In all counties within this State, change of residence notices shall be made by a written request, signed by the registrant, forwarded to the commissioner by mail, and actually received by him, or by calling in person at the office of the commissioner or the municipal clerk. The commissioner shall provide change of residence notices in card form for the use of any registered voter moving to another address within the same election district or to another election district within the same county. Copies of these notices shall also be available at the office of the municipal clerk in each municipality. Each municipal clerk shall transmit daily to the commissioner all the filled out change of residence notices that he may have in his office at the time. These notices shall be printed upon cards, shall contain a blank form showing where the applicant last resided and the address and exact location to which he has

moved and shall have a line for his signature. Upon receipt of such change of residence notice the commissioner shall cause the signature to be compared with the permanent registration forms of the applicant and, if such signature appears to be of and by one and the same legal voter, the commissioner shall cause the entry of the change of residence to be made on the permanent registration forms and the registrant shall thereupon be qualified to vote in the election district to which he shall have so moved. If the commissioner is not satisfied as to the signature on the request for a change of residence, a notice shall be sent by mail with postage prepaid to the registrant at his new address directing him to appear at a time to be fixed in the notice not less than ten days from the date thereof at the office of the commissioner to answer such questions as may be deemed necessary to determine the applicant's place of residence and eligibility to vote. If such registrant fails to appear at the time and place as directed, or if the notice is returned as not delivered or if it is not returned as undelivered, the registration forms of the applicant shall be placed in the inactive file until such time as he establishes to the satisfaction of the commissioner the accuracy of the signature on such change of residence notice; provided, however, that such application for change of residence shall be filed with the commissioner or municipal clerk, as the case may be, on or before the twenty-ninth day preceding any election. All applications for change of residence postmarked on or before the thirtieth day preceding any election shall be deemed timely.

b. In any county any voter who shall move within the same county after the time above prescribed for filing an application for change of residence without having made application for change of residence, shall be permitted to vote in the district from which he has moved, upon signing an affidavit which shall set forth (1) the date upon which he moved, (2) the address from which he moved, (3) the address to which he moved, and such affidavit shall constitute a transfer to the said new residence for any subsequent election. The county clerk shall furnish to the election board of each district form affidavits for this purpose and the said district boards shall turn over all signed affidavits to the commissioner; provided, however, if the voter has moved from one residence to another within the same election district at any time during the year he or she shall be permitted to vote in such election district only at the next election subsequent to the date of such change of residence within the district upon signing the affidavit herein set forth.

11. R. S. 19:31-13 is amended to read as follows:

Change in registration on marriage or divorce of woman; reregistration; procedure for voting by wife who is with husband in armed service outside of State.

19:31-13. Whenever the registrant after his or her original registration shall change his or her name due to marriage, divorce, or by judgment of court, the registrant shall be required to reregister and the commissioner upon receipt of information or notice of such change, shall transfer the permanent registration forms of such persons to the inactive file, subject to the provisions of this section.

When notice or information of such change in name has not been received by or filed with the commissioner prior to the twenty-ninth day preceding any election, such person may be permitted to vote under his or her original registration at the next election following such change in name, after signing the signature copy register with both the registered name and his or her new name. Such person shall be required to reregister before being permitted to vote at any subsequent election. The commissioner shall then transfer the former permanent registration form to the inactive file and notify the registrant by regular mail of such transfer and the requirement to reregister before being permitted to vote at any election.

If a registrant shall, upon receipt of notice of transfer of her registration to the inactive file, or otherwise, notify the commissioner of her inability to appear and reregister due to continued absence from the State with her husband while he is serving in the Armed Forces of the United States and shall support such statement under oath, the commissioner shall restore her registration form to the active file, with appropriate notations and dates thereon, and notify the registrant that she may continue to vote during such absence from the State, by civilian absentee ballot, by signing both her registered name and her new name on applications for and certificates pertinent to, civilian absentee ballots. The right to continue to so vote without reregistration shall continue until the registrant's return to the State or 6 years from date of marriage, whichever shall occur first at which time the commissioner shall transfer the permanent registration form to the inactive file.

12. R. S. 19:31-18 is amended to read as follows:

Registry lists; certification and transmission.

19:31-18. On or before the fifteenth day preceding any primary election and on or before the fifteenth day preceding any general

election the commissioner shall certify and transmit to the county clerk a complete list of all persons who are registered in each election district in each municipality in the county together with a statement as to the number of persons registered in each district. On the face of the list of registered voters the commissioner shall in figures state the total number of names of persons reregistered. Such lists shall be arranged substantially in the following form:

Grand Street

Residence number or other designation	Name of voter
14	Jones, Charles M.
15	Smith, John M.

13. Section 2 of P. L. 1947, c. 347 (C. 19:31-18.1) is amended to read as follows:

C. 19:31-18.1. Copies of registry lists; distribution.

2. a. The county clerk in all counties shall cause copies of the registry lists, certified and transmitted under R. S. 19:31-18, to be printed in handbill form, and shall furnish to any voter applying for the same such copies, charging therefor \$0.25 per copy of the list of voters of each election district. He shall also furnish five printed copies thereof to each district board, which shall within 2 days post two such registry lists, one in the polling place and one in another conspicuous place within the election district. The county clerk shall also forthwith deliver to the superintendent of elections if any there be and the municipal clerk of each of the municipalities in the county for which the lists have been printed five copies of the lists of voters of each election district in such municipality, and to the county board 10 copies of the lists of voters of each election district in each of such municipalities. The county clerk shall also forthwith deliver to the chairmen of the State committees and to the chairmen of the county committees of the several political parties, five copies of the lists of voters of each election district in each of the municipalities in his county.

b. In any county where the voter registration lists are recorded on magnetic tape or electronic data processing cards, the commissioner of registration shall furnish a copy of such tape or cards to any voter requesting such tape or cards, for which copy such commissioner shall make a charge which shall be uniform in any calendar year and which shall reflect only the cost of reproducing such tape or cards.

14. R. S. 19:49-4 is amended to read as follows:

Mailing of sample ballots and furnishing of instruction ballots.

a. (1) The officer or officers whose duty it may be under this subtitle to provide and furnish official ballots for any polling place where a voting machine is to be used shall also provide 2 sample ballots or more, or instruction ballots, which sample or instruction ballot shall be arranged in the form of a diagram showing such portion of the face of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample or instruction ballots shall be open to the inspection of all voters on election day, in all elections where voting machines are used.

(2) For election districts in which the primary language of 10% or more of the registered voters is Spanish, the officer or officers whose duty it may be under this subtitle to provide and furnish official ballots for any polling place where a voting machine is to be used shall also provide 2 sample ballots or more, or instruction ballots, printed bilingually in English and Spanish. Such sample or instruction ballots shall be open to the inspection of all voters on election day, in appropriate election districts, in all elections where voting machines are used.

b. There shall be furnished a sufficient number of sample ballots printed entirely in black ink, a facsimile of the face of the machine, of a reduced size, one of which sample ballots shall be mailed to each registered voter, except that for election districts in which the primary language of 10% or more of the registered voters is Spanish, sample ballots printed bilingually in English and Spanish shall be mailed to each registered voter. Any reference to sample ballot envelopes in any section of this Title to the contrary notwithstanding, in all counties where voting machines are used and wherein the commissioner of registration has the facilities to mail out sample ballots direct to the registrants of such county and has elected so to do, as otherwise in this Title provided, the commissioner of registration in any such county may request the county clerk of such county to have the sample ballots prepared in the manner following:

(1) The county clerk shall have said sample ballots for all general and special elections printed in such manner that, when folded, the words "Official General Election Sample Ballot" or as the case may be, shall appear on the reverse side thereof, together with the words "In cases where the sample ballot is to be sent to an ad-

dressee who does not receive his mail by delivery to his home or through rural free delivery 'if not delivered within 5 days return to the commissioner of registration' and in all other cases 'if not delivered within 2 days return to the commissioner of registration.' Do not Forward. Return Postage Guaranteed" over the return address of the commissioner of registration. Such portion of the ballot may contain such additional words that conform with United States Postal regulations that will prevent such envelope from being forwarded to the voter at any other address than that appearing on the envelope, and that will cause such envelope to be returned to the commissioner of registration, with information thereon from the post office showing the reason for nondelivery.

(2) The county clerk in drawing the specifications for the printing of the official primary ballots shall include the requirement that the municipal clerks shall have primary sample ballots printed in such manner that, when folded, the words "Official Primary Election Sample Ballot" shall appear on the reverse side thereof, together with the words "In cases where the sample ballot is to be sent to an addressee who does not receive his mail by delivery to his home or through rural free delivery 'if not delivered within 5 days return to the commissioner of registration' and in all other cases 'if not delivered within 2 days return to the commissioner of registration.' Do Not Forward. Return Postage Guaranteed" over the return address of the commissioner of registration. Such portion of the ballot may contain such additional words that conform with United States Postal regulations that will prevent such envelope from being forwarded to the voter at any other address than that appearing on the envelope, and that will cause such envelope to be returned to the commissioner of registration, with information thereon from the post office showing the reason for nondelivery.

(3) Five sample ballots shall be posted as now required by law.

c. For all general and special elections the county clerk, and for all primary and municipal elections the municipal clerks, shall, at least 30 days preceding any such election, make the arrangements necessary to be made with the postmaster or postmasters in their respective counties and municipalities to have the said sample ballots mailed under the postal laws and regulations, and forthwith notify the said commissioner of registration in writing to that effect.

C. 19:31-6.3 Registration card.

15. Any person entitled to register to vote may register as a voter in the election district in which he resides at any time prior to the twenty-ninth day preceding any primary or general election by completing a registration card described in section 16 of this act, having his signature or mark witnessed by a person previously registered to vote in the county in which he resides and submitting the card to the commissioner of registration of the county wherein he resides. Any registration card shall be mailed to the commissioner to which it is addressed or delivered to such office. A registration card postmarked on the thirtieth day preceding any primary or general election shall be deemed timely.

C. 19:31-6.4 Secretary of State; providing and preparing registration cards; contents.

16.a. The Secretary of State shall cause to be prepared and shall provide to each county commissioner of registration registration cards of size and weight suitable for mailing, which shall require the information required by R. S. 19:31-3 in substantially the following form:

VOTER REGISTRATION CARD

(Please print or type)

- (1) Name:
 Last First Middle
- (2) Birth Date:
 Month Day Year
- (3) Residence:
 Street Address Apt. No.

 Municipality County Zip
- (4) I have resided at the above address since:
 Mo. Day Year
- (5) Where did you last register to vote?

 Street Address Apt. No.

 Municipality County State Zip
- (6) I am a native born/naturalized (strike one) citizen.
 I was naturalized on
 Month Day Year
 in
 Municipality State

(7) By the time of the next general election, I will be at least 18 years of age, I will be a citizen of the United States, and I will have resided in this State at least 30 days and in the county of at least 30 days. To the best of my knowledge and belief, all the foregoing statements made by me are true and correct. I understand that any false or fraudulent registration or attempted registration may subject me to a fine of up to \$1,000.00 or imprisonment of up to 5 years, or both pursuant to R. S. 19:34-1.

.....
Signature or mark

.....
Date

(8) I, being a registered voter in county which is the same county as the county in which the person registering to vote by this card resides, witnessed the above signature or mark.

.....
Signature

.....
Date

(9) If the voter is unable to sign his or her name, the voter shall make his or her mark, which mark shall be witnessed. The signature, name and residence of the registered voter residing in the same county who filled out this card are:

.....
Signature

.....
Date

.....
Name (Please print)

.....
Street Address

.....
Municipality

.....
County

.....
Zip

b. The reverse side of the registration card shall bear the address of the commissioner of registration to whom such card is supplied, and a United States postal permit the charges upon which shall be paid by the State.

c. The Secretary of State shall cause to be prepared registration cards of the size, weight and form described in subsection a. of this section in both the English and Spanish language and shall provide such cards to each commissioner of registration of any county in which there is at least one election district in which bilingual sample ballots must be provided pursuant to R. S. 19:14-21.

d. The commissioner of registration shall furnish such registration card upon request to any person or organization in such reasonable quantities such person or organization shall request.

e. Each such registration card shall have annexed thereto instructions specifying the manner and method of registration and stating the qualifications for an eligible voter.

C. 19:31-6.5 Review; notification.

17. a. Upon receipt of any completed registration card, the commissioner of registration in counties having a superintendent of elections, and the members of the county board in all other counties, shall review it, and if it is found to be in order, shall:

(1) Send to the registrant written notification that such registrant is duly registered to vote. On the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed. If not delivered in 2 days, return to the 'Superintendent of Elections'" in counties having a superintendent of elections and to the "Commissioner of Registration" in all other counties.

(2) Paste the completed registration card on to an original permanent registration form, and shall paste a photocopy of such completed registration card on to a duplicate permanent registration form, or shall transpose the data and paste the signature from such completed registration card on to a duplicate permanent registration form. The original and duplicate permanent registration forms shall be filed as provided in R. S. 19:31-10.

(3) In the case of a registrant currently registered in another county of this State, notify the commissioner of registration of such other county to delete such registrant's name from the list of persons registered in such other county.

b. The commissioner in counties having a superintendent of elections, and the members of the county board in all other counties, shall notify a registrant of the reasons for any refusal to approve his registration.

c. If the registration card has been signed by someone other than the registrant, any additional information required on the original and duplicate permanent registration forms shall be obtained by the district board or the county clerk at the first election at which the registrant shall appear or apply to vote.

C. 19:31-6.6 Fraudulent registration and voting.

18. For the purpose of preventing fraudulent registration and voting, the commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, may, at any time deemed necessary, utilize the procedures set forth by R. S. 19:31-15 and by R. S. 19:32-5.

C. 19:31-6.7 Presidential election; door-to-door canvassing; allocation of funds.

19. a. On December 31 of every year in which a Presidential Election has been held, each county may certify to the Secretary of State the number of newly registered voters who have been registered by door-to-door canvassing and registration during that calendar year. The funds provided pursuant to subsection c. of this section shall be allocated by the Secretary of State to each county in the same proportion as the number of voters newly registered by door-to-door canvassing in each county is to the total number of voters newly registered by door-to-door canvassing throughout the State.

b. Plans for door-to-door canvassing and registration shall be included in the plan for mobile registration for the general election submitted pursuant to R. S. 19:31-2.

c. The Legislature shall appropriate to the Department of State \$100,000.00 in each year during which a Presidential Election is to be held for carrying out the purposes of this section.

C. 19:31-6.8 Reimbursement.

20. The Secretary of State shall each year reimburse the counties \$0.50 per new registrant, whether the registration was by mail or in person.

C. 19:31-6.9 Rules and regulations.

21. To effectuate the purposes of this act and in addition to any other powers and duties provided in or by this act, the Secretary of State may promulgate such rules and regulations as may be necessary, all of which shall have the force of law.

C. 19:31-6.10 Partial invalidity.

22. 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.

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

Approved May 28, 1974.

CHAPTER 31

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 payable by governmental agencies.

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, 1975 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 29, 1974.

CHAPTER 32

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, 1975 and regulating the disbursement thereof," now pending before the Legislature as Senate Bill No. 1150.

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 the Public Advocate the sum of \$1,500,000.00 for the fiscal year ending June 30, 1975.

The unexpended balance of any funds heretofore appropriated is hereby appropriated.

2. This act shall take effect immediately.

Approved May 29, 1974.

CHAPTER 33

AN ACT providing for representation of certain persons by the Public Defender, amending P. L. 1968, c. 371, supplementing P. L. 1967, c. 43, and making an appropriation.

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

1. Section 3 of P. L. 1968, c. 371 (C. 2A:158A-24) is amended to read as follows:

C. 2A:158A-24 Representation of juvenile delinquents.

3. Except as hereinafter provided, the Public Defender shall in the manner prescribed by P. L. 1967, c. 43 (C. 2A:158A-1, et seq.) provide for the legal representation of any person who is charged as a juvenile delinquent or as a juvenile in need of supervision and where in the opinion of the juvenile judge the prosecution of the complaint may result in the institutional commitment of such person.

C. 2A:158A-5.1 Violation of parole; legal representation.

2. Violation of parole; legal representation. The Public Defender shall in the manner prescribed by P. L. 1967, c. 43 (C. 2A:158A-1, et seq.) provide for the legal representation of any person on parole from a correctional institution of this State or otherwise under the parole supervision of this State who is charged with violation of that parole or who is under consideration for revocation of parole.

C. 2A:158A-5.2 Offenses and violations; legal representation.

3. Offenses and violations; legal representation. The Public Defender shall in the manner prescribed by P. L. 1967, c. 43 (C. 2A:158A-1 et seq.) provide for the legal representation of any person charged with a disorderly persons offense or with the violation of any law, ordinance or regulation of a penal nature where there is a likelihood that the persons so charged, if convicted, will be subject to imprisonment or, in the opinion of the court, any other consequence of magnitude.

4. There is hereby appropriated the sum of \$500,000.00 for the balance of the fiscal year 1973-74 and for the fiscal year 1974-75 to implement the provisions of this act.

5. Effective dates.

a. Sections 1 and 4 of this act shall take effect immediately.

b. Section 2 of this act shall take effect on the first day of the twelfth month following its enactment, provided, however, that the Public Defender may furnish legal representation as provided herein on pilot or experimental basis in some or all cases immediately.

c. Section 3 of this act shall take effect on the first day of the twenty-fourth month following its enactment, provided, however, that the Public Defender may furnish legal representation as provided herein on pilot or experimental basis in some or all cases immediately.

Approved May 31, 1974.

CHAPTER 34

AN ACT to amend the "Department of the Treasury Act of 1948," approved May 28, 1948 (P. L. 1948, c. 92).

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

1. Section 30 of P. L. 1948, c. 92 (C. 52:18A-30) is amended to read as follows:

C. 52:18A-30 State Treasurer; additional duties; delegation of powers; Deputy State Treasurer.

30. The State Treasurer, in addition to the functions, powers and duties specifically conferred and imposed upon him, shall:

(a) Maintain suitable headquarters for the department and such other quarters within the State as he may deem necessary to the department's proper functioning;

(b) Have general responsibility for all of the department's operations under this act;

(c) Supervise the organization of the department and changes in the organization thereof, except that the divisions, boards, commissions and offices, herein specifically provided shall be maintained;

(d) Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees; and

(e) Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request.

The State Treasurer shall designate as Deputy State Treasurer any officer or employee in the department. Such designation shall be in writing and shall be filed with the Secretary of State. Such designation shall continue in effect until the State Treasurer shall, in the manner herein provided, designate another officer or employee in the department as such Deputy State Treasurer.

The Deputy State Treasurer shall have and exercise the powers and perform the functions and duties of the State Treasurer during the absence or disability of the State Treasurer. The Deputy State Treasurer shall also have and exercise such of the powers and perform such of the functions and duties of the State Treasurer as he shall be authorized and directed by the State Treasurer. Any such authorization and direction shall be in writing, signed by the State Treasurer and filed with the Secretary of State, and shall include a designation of the period during which it shall be and remain in force. No such authorization and direction shall be deemed to preclude the State Treasurer from himself exercising the powers and the performance of the duties included in said authorization and direction. In the event that the State Treasurer shall die, resign or be removed from office, or become disqualified to execute the duties of his office, or a vacancy shall occur in the office of State Treasurer for any cause whatsoever, the person then holding the office of

Deputy State Treasurer shall continue to hold such office and shall have and exercise the powers and perform the functions and duties of the State Treasurer until the successor of the State Treasurer shall be appointed and shall qualify.

Notwithstanding any other provision in existing law, the State Treasurer may designate, authorize and direct the Deputy State Treasurer or any other officer or specially designated expert assistant in the department to exercise the power and perform the functions and duties of the State Treasurer as a member of the board of trustees, commission or council vested with the general administration of and responsibility for any employee benefit system, trust, fund, program or plan. Any such authorization and direction shall be in writing, signed by the State Treasurer and filed with the Secretary of State, and shall include a designation of the period during which it shall be and remain in force. No such authorization and direction shall be deemed to preclude the State Treasurer from himself exercising the powers and the performance of the duties included in said authorization and direction.

2. This act shall take effect immediately.

Approved June 7, 1974.

CHAPTER 35

A SUPPLEMENT to the "Department of Community Affairs Act of 1966," approved November 23, 1966 (P. L. 1966, c. 293, C. 52:27D-1 et seq.) and repealing section 1 of article 7 of P. L. 1944, c. 112 (C. 52:27B-69).

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

C. 52:27D-18.1 Local Finance Board, composition.

1. The Local Finance Board in the Division of Local Government Services in the Department of Community Affairs shall consist hereafter of the Director of the Division of Local Government Services as chairman and five members appointed by the Governor by and with the advice and consent of the Senate. The two additional members first to be appointed to take office hereunder shall be appointed to hold office, one for 3 years, and one for 4 years, and

thereafter all appointments shall be for 5 years. In case of a vacancy by reason of expiration of term or otherwise the appointment shall be for the remainder of the unexpired term.

2. This act shall not affect the terms of office of the present members of the board who shall continue to serve in office for the remainder of their terms.

C. 52:27B-69 Repealed.

3. Section 1 of article 7 of P. L. 1944, c. 112 (C. 52:27B-69) is repealed.

4. This act shall take effect immediately.

Approved June 7, 1974.

CHAPTER 36

AN ACT to authorize the State Treasurer to designate a Deputy Director of the Division of Investment, and to supplement P. L. 1950, c. 270.

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

C. 52:18A-84.1 Deputy Director, Division of Investment; powers and duties.

1. The State Treasurer shall, whenever he shall deem the same necessary, designate as Deputy Director of the Division of Investment any officer or employee in the department, who shall be a person qualified by training and experience to undertake such an office, and who shall serve as deputy director unless and until disapproved in writing by the State Investment Council. The State Treasurer's designation shall be in writing and shall be filed with the Secretary of State. The State Treasurer may at any time change or cancel any such designation, which change or cancellation shall be in writing and shall be filed with the Secretary of State.

The Deputy Director of the Division of Investment shall have and exercise such of the powers and perform such of the functions and duties of the director as the director shall authorize and direct. Any such authorization and direction shall be in writing, signed by the State Treasurer and by the Director of the Division of Investment, and filed with the Secretary of State, and shall include a designation of the period during which it shall be and remain in

force. No such authorization and direction shall be deemed to preclude the director himself from exercising the powers and the performance of the duties included in said authorization and direction. In the event that a vacancy occurs in the office of the director for any cause whatsoever, the person then holding the office of deputy director shall continue to hold such office and shall exercise the powers and perform the functions and duties of the director until the successor to the director shall be appointed and shall qualify.

2. This act shall take effect immediately.

Approved June 7, 1974.

CHAPTER 37

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 hereinafter specified:

DEPARTMENT OF STATE

301-100. STATE COUNCIL ON THE ARTS

301-100-503. Contracts with Opera Theatre of New Jersey

Costs of production for completion of opera season \$40,000

2. This act shall take effect immediately.

Approved June 17, 1974.

CHAPTER 38

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 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 June 17, 1974.

CHAPTER 39

AN ACT concerning civil service employees in the State service, and amending R. S. 11:14-1.

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

1. R. S. 11:14-1 is amended to read as follows:

Holidays; hours of work; length of vacation; absence on militia duty.

11:14-1. The chief examiner and secretary shall, after consultation with the heads of departments and their principal assistants, prepare, and after approval by the commission, administer regulations regarding holidays, hours of work, attendance and annual sick and special leaves of absence with or without pay or with reduced pay for permanent employees in the classified service; provided, however, that every permanent employee in the classified service shall be granted at least the following annual leave for vacation purposes with pay in and for each calendar year, except as otherwise herein provided: Up to 1 year of service, 1 working day's vacation for each month of service; after 1 year and up to 5 years of service, 12 working days' vacation; after 5 years and up to 12 years of service, 15 working days' vacation; after 12 years and up to 20 years of service, 20 working days' vacation; over 20 years, 25 working days' vacation. Where in any calendar year the vacation or any part thereof is not granted by reason of pressure of State business, such vacation periods or parts thereof not granted shall accumulate and shall be granted during the next succeeding calendar year only. In determining all vacation leave, the years of service of such employees prior and subsequent to the adoption of this act shall be used.

An employee who is a member of the National Guard or Naval Militia of this State or of the military or naval forces of the United States required to undergo field training therein, shall be entitled to additional leave of absence with pay for the period of such field training.

2. This act shall take effect immediately.

Approved June 19, 1974.

CHAPTER 40

AN ACT to amend "An act concerning leaves of absence of certain public employees to attend State or national conventions," approved August 3, 1955 (P. L. 1955, c. 188).

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

1. Section 1 of P. L. 1955, c. 188 (C. 11:26C-4) is amended to read as follows:

C. 11:26C-4 Leave of absence to attend conventions.

1. The head of every public department and of every court of this State, the heads of the county offices of the several counties and the head of every department, bureau and office in the government of the various municipalities, shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative of the New Jersey State Patrolmen's Benevolent Association, Inc., Fraternal Order of Police, Firemen's Mutual Benevolent Association, Inc., the Uniformed Firemen's Association, or the New Jersey State Association of Chiefs of Police, to attend any State or national convention of such organization.

A certificate of attendance to the State convention shall, upon request, be submitted by the representative so attending.

Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention.

2. This act shall take effect immediately.

Approved June 19, 1974.

CHAPTER 41

AN ACT making an appropriation to the Department of Health for the continuance of the narcotic drug rehabilitation program currently being carried on at Odyssey House, Newark.

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

1. In addition to the sums heretofore appropriated, there is hereby appropriated from the General State Fund for the fiscal year ending June 30, 1974, the sum of \$15,000.00 to the Department of Health. Said sum shall be employed to support the continuance of the narcotic drug addiction rehabilitation program being carried on at Odyssey House in Newark, New Jersey.

2. This act shall take effect immediately.

Approved June 19, 1974.

CHAPTER 42

AN ACT designating the honey bee as the New Jersey State Bug.

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

C. 52:9AAA-1 State Insect.

1. The honey bee (*apis mellifera*) is designated as the New Jersey State Bug.

2. This act shall take effect immediately.

Approved June 20, 1974.

CHAPTER 43

AN ACT to amend the "Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

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

1. Section 12 of P. L. 1966, c. 301 (C. 27:1A-12) is amended to read as follows:

C. 27:1A-12 Deputy Commissioner; duties and term.

12. To assist the commissioner in the performance of his duties, the commissioner may appoint a deputy commissioner. The deputy commissioner shall serve at the pleasure of the commissioner and shall have such powers and duties as may be delegated to him by the commissioner from time to time. The deputy commissioner shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 21, 1974.

CHAPTER 44

AN Act providing for the appointment of deputy commissioners in the Department of Institutions and Agencies, amending R. S. 30:1-9, and supplementing chapter 1 of Title 30 of the Revised Statutes.

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

C. 30:1-8.1 Deputy commissioners; powers and duties.

1. The commissioner shall be assisted in the performance of his duties by two deputy commissioners. Each deputy commissioner shall be appointed by and shall serve at the pleasure of the commissioner, and until his successor has been appointed and qualified.

Each deputy commissioner shall exercise such powers and perform such duties as the commissioner shall prescribe.

Unless otherwise provided by law, each deputy commissioner shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting.

The commissioner may designate one of the deputy commissioners to exercise the powers and perform the duties of the commissioner during his disability or absence.

2. R. S. 30:1-9 is amended to read as follows:

Divisions.

30:1-9. The commissioner may create within the department such divisions as he may deem necessary. Each division shall be under the supervision of a director, who shall be qualified by training and experience, appointed by and receive the compensation fixed by the commissioner, except where otherwise provided by statute, and shall devote his entire time to the performance of his duties.

The commissioner may in his discretion combine the duties of two or more divisions under one head.

The division directors shall perform such services and exercise such powers at such times and places as the commissioner shall prescribe.

3. This act shall take effect immediately.

Approved June 21, 1974.

CHAPTER 45

AN ACT to amend the "Unfair Cigarette Sales Act of 1952," approved May 19, 1952 (P. L. 1952, c. 247).

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

1. Section 5 of P. L. 1952, c. 247 (C. 56:7-22) is amended to read as follows:

C. 56:7-22 Cost to the wholesaler.

5. a. The term "cost to the wholesaler" shall mean the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler," as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

b. In the absence of the filing with the director of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be 5.25% of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the director of satisfactory proof of a lesser or higher cost, shall be deemed to be $\frac{3}{4}$ of 1% of the "basic cost of cigarettes" to the wholesaler.

2. This act shall take effect immediately.

Approved June 24, 1974.

CHAPTER 46

AN ACT pertaining to certain professional boards and commissions, and supplementing Title 45 of the Revised Statutes.

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

C. 45:1-3.1 Applicability of act.

1. The provisions of this act shall apply to the following boards and commissions: The New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Architects, the State Board of Barber Examiners, the Board of Beauty Culture Control, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, and the X-Ray Technician Board of Examiners.

C. 45:1-3.2 Rules; establishment of charges.

2. Notwithstanding the provisions of Title 45 of the Revised Statutes or any other law to the contrary, any board or commission named in section 1 of this supplementary act may by rule establish, prescribe or change the charges for examinations, licensures and other services it performs, which rule shall first be approved by the head of the department to which such board or commission is assigned and shall be adopted in accordance with the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1).

Any board's or commission's charges established, prescribed or changed pursuant to this section shall be established, prescribed or changed to such extent as shall be necessary to defray all proper expenses incurred by the board or commission in the performance of its duties but such charges shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

3. This act shall take effect immediately.

Approved June 24, 1974.

CHAPTER 47

AN ACT regarding the execution of court-ordered evictions amending N. J. S. 22A:2-38 and supplementing chapter 42 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:42-10.15 Short title.

1. This act shall be known and may be cited as "The Fair Eviction Notice Act."

C. 2A:42-10.16 Warrant for possession; execution.

2. In any proceeding for the summary dispossession of a tenant, warrant for possession issued by a court of appropriate jurisdiction:

a. shall include a notice to the tenant of any right to apply to the court for a stay of execution of the warrant; and

b. shall be executed not earlier than the third day following the day of personal service upon the tenant by the appropriate court officer. In calculating the number of days hereby required, Saturday, Sunday and court holidays shall be excluded; and

c. shall be executed during the hours of 8 a.m. to 6 p.m., unless the court, for good cause shown, otherwise provides in its judgment for possession.

Whenever a written notice, in accordance with the provisions of subsection 2 a., is given to the tenant by the court, this shall constitute personal service in accordance with the provisions of subsection 2 b.

The county district court shall retain jurisdiction for a period of 10 days subsequent to the actual execution of the warrant for possession for the purpose of hearing applications by the tenant for lawful relief.

3. N. J. S. 22A:2-38 is amended to read as follows:

Fees of constables or sergeants-at-arms.

22A:2-38. From the fees mentioned in section 22A:2-37 of this Title, the clerk of the county district court shall pay to constables or sergeants-at-arms the following fees:

Serving summons or notice on one defendant, \$0.60.

Serving summons on every additional defendant, \$0.30.

Warrant to arrest, capias, or commitment, for each defendant served, \$0.75.

Serving writ and summons in replevin, taking bond and any inventory, against one defendant, \$2.50. Against each additional defendant, \$0.30.

Serving writ in replevin when issued subsequent to service of summons, \$1.50.

Every execution, or any order in the nature of an execution on a judgment or execution against the body, for each defendant, \$0.75.

Writ of attachment and making inventory, \$1.85.

Warrant for possession, \$2.00.

For every mile of travel in serving any summons or capias against the body, execution, subpoena, notice or order, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, \$0.10.

In addition to the foregoing, the following fees for constables and sergeants-at-arms shall be taxed in the costs and collected on execution, writ of attachment or order in the nature of an execution on any final judgment, or on a valid and subsisting levy of an execution or attachment which may be the effective cause in producing payment or settlement of a judgment or attachment.

For advertising property under execution or any order, \$0.35.

For selling property under execution or any order, \$0.50.

On every dollar of the first \$500.00 collected on execution, writ of attachment or any order, \$0.10, and on every dollar of any amount in excess thereof, \$0.02.

4. This act shall take effect 60 days after its enactment.

Approved June 24, 1974.

CHAPTER 48

AN ACT concerning the protection of tenants.

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

C. 46:8-38 Definitions.

1. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of

this act, except in those instances where the context clearly indicates otherwise:

a. The term "unit of dwelling space" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

b. The term "multiple dwelling" shall mean any building or structure or group or complex of buildings or structures and any land appurtenant thereto in which 10 or more units of dwelling space are occupied or are intended to be occupied by 10 or more persons who live independently of each other.

c. The term "owner" shall mean the person who owns, purports to own or exercises control of any multiple dwelling.

C. 46:8-39 Crime insurance information.

2. Within 6 months of the effective date of this act, every owner of a multiple dwelling shall make available to all his tenants information regarding crime insurance through the Federal Crime Insurance Program of Title VI of the Housing and Urban Development Act of 1970, 12 U. S. C. Sec. 1749 b b b et seq., and advise the tenants where applications for such insurance may be obtained. All tenants who assume occupancy more than 6 months after the effective date of the act shall be provided with this information no more than 30 days after they assume occupancy.

C. 46:8-40 Owner forbidden to cause ineligibility.

3. No owner of a multiple dwelling shall do or refuse to do any act or permit any tenant to do any act which would prevent or make any tenant ineligible for crime insurance through the Federal Crime Insurance Program of Title VI of the Housing and Urban Development Act of 1970, 12 U. S. C. Sec. 1749 b b b et seq.

C. 46:8-41 Penalties.

4. Any owner who fails to provide to any tenant the information required under section 2 of this act or violates any other provision of this act shall be liable to a penalty of not more than \$200.00 for each offense, recoverable by the State in a civil action by a summary proceeding under the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.). The county district court of the county in which the premises are located shall have jurisdiction to enforce said

penalty enforcement upon complaint of the Attorney General or any other person.

C. 46:8-42 Partial invalidity.

5. 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.

6. This act shall take effect immediately.

Approved June 25, 1974.

CHAPTER 49

AN ACT establishing grounds for evicting tenants and lessees of certain residential property, amending N. J. S. 2A:18-53 and repealing section 1 of P. L. 1973, c. 153 (C. 46:8C-1).

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

1. N. J. S. 2A:18-53 is amended to read as follows:

Removal of tenant in certain cases; jurisdiction.

2A:18-53. Except for residential lessees and tenants included in section 2 of this act, any lessee or tenant at will or at sufferance, or for a part of a year, or for 1 or more years, of any houses, buildings, lands or tenements, and the assigns, under-tenants or legal representatives of such tenant or lessee, may be removed from such premises by the county district court of the county within which such premises are situated, in an action in the following cases:

a. Where such person holds over and continues in possession of all or any part of the demised premises after the expiration of his term, and after demand made and written notice given by the landlord or his agent, for delivery of possession thereof. The notice shall be served either personally upon the tenant or such person in possession by giving him a copy thereof or by leaving a copy of the same at his usual place of abode with a member of his family above the age of 14 years.

b. Where such person shall hold over after a default in the payment of rent, pursuant to the agreement under which the premises are held.

c. Where such person (1) shall be so disorderly as to destroy the peace and quiet of the landlord or the other tenants or occupants living in said house or the neighborhood, or (2) shall willfully destroy, damage or injure the premises, or (3) shall constantly violate the landlord's rules and regulations governing said premises, provided, such rules have been accepted in writing by the tenant or are made a part of the lease; or (4) shall commit any breach or violation of any of the covenants or agreements in the nature thereof contained in the lease for the premises where a right of re-entry is reserved in the lease for a violation of such covenants or agreements, and shall hold over and continue in possession of the demised premises or any part thereof, after the landlord or his agent for that purpose has caused a written notice of the termination of said tenancy to be served upon said tenant, and a demand that said tenant remove from said premises within 3 days from the service of such notice. The notice shall specify the cause of the termination of the tenancy, and shall be served either personally upon the tenant or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years.

C. 2A:18-61.1 Residential lessees and tenants; grounds for removal.

2. No lessee or tenant or the assigns, undertenants or legal representative of such lessee or tenant may be removed by the county district court or the Superior Court from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes, other than owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant, except upon establishment of one of the following grounds as good cause:

a. The person fails to pay rent due and owing under the lease whether the same be oral or written;

b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood;

c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises;

d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and

regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease;

e. The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of re-entry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable;

f. The person has failed to pay rent after a valid notice to quit and notice of increase of said rent, provided the increase in rent is not unconscionable and complies with any and all other laws or municipal ordinances governing rent increases.

g. The landlord or owner seeks to permanently board up or demolish the premises because he has been cited by local or State housing inspectors for substantial violations affecting the health and safety of tenants and it is economically unfeasible for the owner to eliminate the violations. In those cases where the tenant is being removed because of the existence of substantial violations of law affecting health and safety, no warrant for possession shall be issued until P. L. 1967, c. 79 (C. 52:31B-1 et seq.) has been complied with.

h. The owner seeks to retire permanently the building or the mobile home park from the rental housing market.

i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept.

j. The person, after written notice to cease, has habitually failed to pay rent.

C. 2A:18-61.2 Judgment of possession; written notice.

3. No judgment of possession shall be entered for any premises covered by section 2 of this act, except in the nonpayment of rent under paragraphs a. or f. of section 2, unless the landlord has made written demand and given written notice for delivery of possession of the premises. The following notice shall be required:

a. For an action alleging disorderly conduct under paragraph b. of section 2, or injury to the premises under paragraph c. of section 2, 3 days' notice prior to the institution of the action for possession;

b. For an action alleging continued violation of rules and regulations under paragraph d. of section 2, or substantial breach of covenant under paragraph e. of section 2, or habitual failure to

pay rent, 1 month's notice prior to the institution of the action for possession;

c. For an action alleging boarding up because of health violations under paragraph g. of section 2, 3 months' notice prior to the institution of the action;

d. For an action alleging permanent retirement under paragraph h. of section 2, 6 months' notice prior to the institution of the action, provided that, where there is a lease in effect for a period of 1 year or longer, no action may be instituted until the lease expires.

e. For an action alleging refusal of acceptance of reasonable lease changes under paragraph i. of section 2, 1 month's notice prior to the institution of action.

The notice in each of the foregoing instances shall specify in detail the cause of the termination of the tenancy and shall be served either personally upon the tenant or lessee or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years, or by certified mail; if the certified letter is not claimed, notice shall be sent by regular mail.

C. 2A:18-61.3 Landlord forbidden to evict except for good cause.

4. No landlord may evict, or fail to renew any lease of any premises covered by section 2 of this act except for good cause as defined in section 2.

C. 2A:18-61.4 Enforcement.

5. Any provision in a lease whereby any tenant covered by section 2 of this act agrees that his tenancy may be terminated or not renewed for other than good cause as defined in section 2, or whereby the tenant waives any other rights under this act shall be deemed against public policy and unenforceable.

C. 46:8C-1 Repealed.

6. Section 1 of P. L. 1973, c. 153 (C. 46:8C-1) is repealed.

C. 2A:18-61.5 Partial invalidity.

7. 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.

8. This act shall take effect immediately.

Approved June 25, 1974.

CHAPTER 50

AN ACT requiring the filing of registration statements with municipalities by certain owners of residential property under certain circumstances, and further requiring the furnishing of the same information by such owners to their respective tenants.

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

C. 46:8-27 Definitions.

1. The term "landlord", as used in this act, shall mean the person or persons who own or purport to own any building, structure or complex of buildings or structures in which there is rented or offered for rent housing space for living or dwelling purposes under either a written or oral lease, provided that this definition shall not include owner-occupied two and three unit premises.

C. 46:8-28 Registration statement.

2. Every landlord shall, within 30 days following the effective date of this act, or at the time of the creation of the first tenancy in any newly constructed or reconstructed building, file with the clerk of the municipality in which the residential property is situated, a statement which shall contain the following information:

a. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons;

b. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;

c. If the address of any record owner is not located in the county in which the premises are located, the name and address of a person who resides in or has an office in the county in which the premises are located and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;

d. The name and address of the managing agent of the premises, if any;

e. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any;

f. The name, address and telephone number of an individual

representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

g. The name and address of every holder of a recorded mortgage on the premises.

Every landlord hereby required to file a registration statement as described in this section hereinabove shall file an amended registration statement within 7 days after any change in the foregoing information required to be included thereon.

C. 46:8-29 Landlord to provide statement to tenant; changes.

3. Within 30 days following the effective date hereof, and at the time of the creation of a new tenancy, every landlord shall provide each occupant or tenant in his dwelling a written statement containing all the information required to be filed in accordance with section 2. of this act. Commencing 30 days following the effective date hereof, the information shall also be posted at all times in the lobby or other conspicuous place on the premises. In the event that any information contained in said statement shall change, the landlord shall advise each occupant or tenant of the change in writing within 30 days and correct the information posted within 7 days after said change.

C. 46:8-30 Date of preparation.

4. All information required under section 2. and 3. of this act shall stipulate the date of preparation.

C. 46:8-31 Service of summons and complaint.

5. In any action in the county district court by an occupant or tenant against a landlord who has not complied with this act and who cannot be served within the county, the summons and complaint may be served by certified and regular mail upon the record owner at the last address listed in the tax records of either the municipality or county. Service of such summons and complaint by certified and regular mail shall be effective to bring the landlord before the county district court even if it were not served within the county in which the county district court issuing the summons is located.

C. 46:8-32 Service of process.

6. Service of process on the clerk of the county district court having jurisdiction over the county in which the property is located shall be deemed service on the landlord upon submission to the court of the following:

a. A certification of the tenant stating that he does not know the landlord's whereabouts after having made a diligent effort, satisfactory to the court, to determine the same; and

b. Proof of failure of service by certified mail as provided in section 5 of this act.

C. 46:8-33 Failure to comply.

7. In any action for possession instituted by a landlord who has failed to comply with the provisions of this act, no judgment for possession shall be entered until there has been compliance. The court shall continue such case for up to 90 days and if there has not been compliance within such period, the action shall be dismissed.

C. 46:8-34 County district court's jurisdiction.

8. The county district court shall have jurisdiction over any action between a landlord and tenant where the amount in controversy is \$3,000.00 or less.

C. 46:8-35 Penalties.

9. Any landlord who shall violate any provision of this act shall be liable to a penalty of not more than \$100.00 for each offense, recoverable by the State by a summary proceeding under the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.). The county district court of the county in which the premises are located shall have jurisdiction to enforce said penalty enforcement upon complaint of the Attorney General or any other person.

C. 46:8-36 Enforcement.

10. Any written or oral provision in any agreement whereby any tenant waives any rights under this act shall be deemed against public policy and unenforceable.

C. 46:8-37 Partial invalidity.

11. 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.

12. This act shall take effect immediately.

Approved June 25, 1974.

CHAPTER 51

AN ACT concerning elections, amending sections 19:31-2 and 19:31-11 of the Revised Statutes, amending and supplementing P. L. 1974, c. 30, and making an appropriation therefor.

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

1. Section 2 of P. L. 1965, c. 29 (C. 19:23-22.4) is amended to read as follows:

C. 19:23-22.4 Printing of ballots.

2. In all counties the county clerk shall cause to be printed a sufficient number of official primary ballots and official primary sample ballots of each political party, in proper form for the mailing of such sample ballots at the times and in the manner and number as required by the provisions of Title 19 of the Revised Statutes, and shall furnish such official primary sample ballots to the proper officer or officers on the earliest possible date preceding the primary election.

In the counties described by this section, for each election district within the county in which the primary language of 10% or more of the registered voters is Spanish, the county clerk shall similarly cause to be printed bilingually in English and Spanish a sufficient number of official primary sample ballots of each political party, and shall similarly furnish such official primary sample ballots to the proper officer or officers.

2. For 1974, the plans providing for evening and mobile registration for the general election required by R. S. 19:31-2 shall be submitted to the Secretary of State on or before September 1, 1974 and not on or before June 15, 1974.

3. R. S. 19:31-11 is amended to read as follows:

Change of residence notice.

19:31-11. a. In all counties within the State, change of residence notices shall be made by a written request, signed by the registrant, forwarded to the commissioner by mail, and actually received by him, or by calling in person at the office of the commissioner or the municipal clerk. The commissioner shall provide change of residence notices in card form for the use of any registered voter moving to another address within the same election district or to

another election district within the same county. Copies of these notices shall also be available at the office of the municipal clerk in each municipality. Each municipal clerk shall transmit daily to the commissioner all the filled out change of residence notices that he may have in his office at the time. These notices shall be printed upon cards, shall contain a blank form showing where the applicant last resided and the address and exact location to which he has moved and shall have a line for his signature. Upon receipt of such change of residence notice the commissioner shall cause the signature to be compared with the permanent registration forms of the applicant and, if such signature appears to be of and by one and the same legal voter, the commissioner shall cause the entry of the change of residence to be made on the permanent registration forms and the registrant shall thereupon be qualified to vote in the election district to which he shall have so moved. If the commissioner is not satisfied as to the signature on the request for a change of residence, a notice shall be sent by mail with postage prepaid to the registrant at his new address directing him to appear at a time to be fixed in the notice not less than 10 days from the date thereof at the office of the commissioner to answer such questions as may be deemed necessary to determine the applicant's place of residence and eligibility to vote. If such registrant fails to appear at the time and place as directed, or if the notice is returned as not delivered or if it is not returned as undelivered, the registration forms of the applicant shall be placed in the inactive file until such time as he establishes to the satisfaction of the commissioner the accuracy of the signature on such change of residence notice; provided, however, that such application for change of residence shall be filed with the commissioner or municipal clerk, as the case may be, on or before the twenty-ninth day preceding any election. All applications for change of residence postmarked on or before the twenty-ninth day preceding any election shall be deemed timely.

b. In any county any voter who shall move within the same county after the time above prescribed for filing an application for change of residence without having made application for change of residence, shall be permitted to vote in the district from which he has moved, upon signing an affidavit which shall set forth (1) the date upon which he moved, (2) the address from which he moved, (3) the address to which he moved, and such affidavit shall constitute a transfer to the said new residence for any subsequent election. The county clerk shall furnish to the election board of each

district form affidavits for this purpose and the said district boards shall turn over all signed affidavits to the commissioner; provided, however, if the voter has moved from one residence to another within the same election district at any time during the year he or she shall be permitted to vote in such election district only at the next election subsequent to the date of such change of residence within the district upon signing the affidavit herein set forth.

4. Section 15 of P. L. 1974, c. 30 (C. 19:31-6.3) is amended to read as follows:

C. 19:31-6.3 Registration form.

15. Any person entitled to register to vote may register as a voter in the election district in which he resides at any time prior to the twenty-ninth day preceding any primary or general election by completing a registration form described in section 16 of this act, having his signature or mark witnessed by a person registered to vote in New Jersey and submitting the form to the commissioner of registration of the county wherein he resides. Any registration form shall be mailed to the commissioner to which it is addressed or delivered to such office. A registration form postmarked on the twenty-ninth day preceding any primary or general election shall be deemed timely.

5. Section 16 of P. L. 1974, c. 30 (C. 19:31-6.4) is amended to read as follows:

C. 19:31-6.4 Secretary of State, providing and preparing registration forms; contents.

16. a. The Secretary of State shall cause to be prepared and shall provide to each county commissioner of registration registration forms of size and weight suitable for mailing, which shall require the information required by R. S. 19:31-3 in substantially the following form:

VOTER REGISTRATION FORM

(Please print or type)

(1) Name:	.....	.....	.....
	Last	First	Middle
(2) Birth Date:	.....	.....	.....
	Month	Day	Year
(3) Residence:	.....	.....	.....
	Street Address	Apt. No.	

	Municipality	County	Zip

(5) Where did you last register to vote?

(7) By the time of the next general election, I will be at least 18 years of age, I will be a citizen of the United States, and I will have resided in this State at least 30 days and in the county of at least 30 days. To the best of my knowledge and belief, all the foregoing statements made by me are true and correct. I understand that any false or fraudulent registration or attempted registration may subject me to a fine of up to \$1,000.00 or imprisonment of up to 5 years, or both pursuant to R. S. 19:34-1.

.....
Signature or mark Date

(8) I, being a registered voter in
county in the State of New Jersey, witnessed the above signature
or mark.

.....		
Signature		Date	
.....			
Name (Please print)			
.....			
Street Address			
.....			
Municipality		County	Zip

(9) If the voter is unable to sign his or her name, the voter shall make his or her mark, which mark shall be witnessed. The signature,

name and residence of the registered voter of the State of New Jersey who filled out this card are:

.....
 Signature Date

 Name (Please print)

 Street Address

 Municipality County Zip

b. The reverse side of the registration form shall bear the address of the commissioner of registration to whom such form is supplied, and a United States postal permit the charges upon which shall be paid by the State.

c. The Secretary of State shall cause to be prepared registration forms of the size, weight and form described in subsection a. of this section in both the English and Spanish language and shall provide such forms to each commissioner of registration of any county in which there is at least one election district in which bilingual sample ballots must be provided pursuant to R. S. 19:14-21, R. S. 19:49-4 or section 2 of P. L. 1965, c. 29 (C. 19:23-22.4).

d. The commissioner of registration shall furnish such registration form upon request to any person or organization in such reasonable quantities such person or organization shall request.

e. Each such registration form shall have annexed thereto instructions specifying the manner and method of registration and stating the qualifications for an eligible voter.

6. Section 17 of P. L. 1974, c. 30 (C. 19:31-6.5) is amended to read as follows:

C. 19:31-6.5 Review; notification.

17. a. Upon receipt of any completed registration form, the commissioner of registration in counties having a superintendent of elections, and the members of the county board in all other counties, shall review it, and if it is found to be in order, shall:

(1) Send to the registrant written notification that such registrant is duly registered to vote. On the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed. If not delivered in 2 days, return to the 'Superintendent of Elections'" in counties having

a superintendent of elections and to the "Commissioner of Registration" in all other counties.

(2) Paste or tape the completed registration form on to an original permanent registration form, and shall paste or tape a copy of such completed registration form on to a duplicate permanent registration form, both of which shall be filed as provided in R. S. 19:31-10.

(3) In the case of a registrant currently registered in another county of this State, notify the commissioner of registration of such other county to delete such registrant's name from the list of persons registered in such other county.

b. The commissioner in counties having a superintendent of elections, and the members of the county board in all other counties, shall notify a registrant of the reasons for any refusal to approve his registration.

c. If the registration form has been signed by someone other than the registrant, any additional information required on the original and duplicate permanent registration form shall be obtained by the district board or the commissioner of registration at the first election at which the registrant shall appear or apply to vote.

7. Section 20 of P. L. 1974, c. 30 (C. 19:31-6.8) is amended to read as follows:

C. 19:31-6.8 Reimbursement.

20. The Secretary of State shall each year reimburse the counties \$0.50 per new registrant, whether the registration was by mail or in person.

8. There is appropriated to the Department of State the sum of \$124,000.00 for the fiscal year ending June 30, 1975 for the purpose of carrying out the provisions of P. L. 1974, c. 30.

9. This act shall take effect immediately.

Approved June 25, 1974.

CHAPTER 52

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

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, 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 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

700. DEPARTMENT OF INSTITUTIONS AND AGENCIES

53200. *Criminal Defense of Indigents*
(*Office of the Public Defender*)

Extraordinary—

For additional expenses of the Office of the Public Defender	\$175,000
--	-----------

The sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Department of Institutions and Agencies	\$175,000
--	-----------

INTER-DEPARTMENTAL ACCOUNTS

78200. *Inter-Departmental Service Appropriations*942-100. *State Emergency Fund*

Supplemental requirement for fiscal year
1973-74—

For allotment to the various departments or agencies, as may be required, to meet unex-

pected inflated costs of fuel, food and other commodities and services, as the Director of the Division of Budget and Accounting shall determine	\$3,000,000
Total Appropriation, Inter-Departmental Accounts	\$3,000,000
Total Appropriation, General State Operations	\$3,175,000

CAPITAL CONSTRUCTION

400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

46100. *Recreation Opportunities**Division of Parks and Forestry*

The proceeds derived from the sale of all fill material from State-owned lands are hereby appropriated for capital construction and land acquisition; provided, however, that the expenditure thereof shall be subject to transfers as prescribed by law.

700. DEPARTMENT OF INSTITUTIONS AND AGENCIES

717-170. *Division of Youth and Family Services*

The unexpended balance as of June 30, 1973 in the Capital Construction account is hereby appropriated.

CLAIMS

100. DEPARTMENT OF LAW AND PUBLIC SAFETY

11100. *Regulation of Motor Vehicles**11200. *State Police*

Anna Belle McLinton, 925 East Grand Street, Elizabeth, New Jersey 07207, c/o Forman, Forman and Cardonsky Law Offices, 125 Broad Street, Elizabeth, New Jersey 07201, for injuries received and the consequences thereof resulting

from an investigation by a State Trooper, provided that the Attorney General is authorized to negotiate a settlement not to exceed \$5,000

\$5,000

Josephine Perillo, et als., 5820 N. E. 14th Road, Fort Lauderdale, Florida 33308, c/o Giovine and Dupignac, Counsellors at Law, 109 Washington Street, Toms River, New Jersey 08753, for pain and suffering and husband's death resulting from a motor vehicle accident involving a State Trooper, provided that the Attorney General is authorized to negotiate a settlement not to exceed \$75,000, payable from the Tort Claims Fund, \$75,000.

11300. *Legal, Administrative and Support Services*

Roger A. Johnson, 70 Flocktown Road, Long Valley, New Jersey 07853, c/o Stephen S. Weinstein, Esquire, 20 Park Place, Morristown, New Jersey 07960, for damages in connection with wrongful incarceration; provided, however, that the award be payable at the rate of \$100 per week; provided further that no part of the income shall be chargeable or subject to levy or attachments for any debts or obligations incurred by the claimant prior to the effective date of this Act; and provided further that counsel fees shall not exceed 10% of the amount of the award

\$7,500

200. DEPARTMENT OF THE TREASURY

71300. *Tax and Revenue Administration*

Township of Woodbridge, 1 Main Street, Woodbridge, New Jersey 07095, c/o Kenneth C. Brennan, Municipal Controller, for a refund of State gasoline taxes paid, provided that the award be paid as a refund from Motor Fuels Tax revenues of fiscal year 1973-74, payable in the amount of \$6,816.

310. DEPARTMENT OF CIVIL SERVICE

75500. *Merit System Administration*

Sperry Rand Corporation, Remington Rand Division, Post Office Box 1000, Blue Bell, Pennsylvania 19422, for Kardex Cabinets delivered on August 31, 1970, to offices at 1100 Raymond Boulevard, Newark, New Jersey, payable from funds appropriated to the Department, \$618.

340. DEPARTMENT OF DEFENSE

13100. *National Guard and Civil Defense*

Robert Blyth Company, 140 Exton Avenue, Trenton, New Jersey 08618, c/o Thomas K. Blyth, President, 140 Exton Avenue, Trenton, New Jersey 08618, for electrical work performed at the 112th Field Artillery Armory drill hall in 1969, payable from funds appropriated to the Department, \$9,136.

400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

41300. *Resource Management**

600. DEPARTMENT OF TRANSPORTATION

63100. *State Highway Facilities**

Ernest Arvay, 17 Harvey Street, New Brunswick, New Jersey 08901, c/o Philip L. Strong, Esquire, 390 George Street, New Brunswick, New Jersey 08901, for injuries and resultant consequences sustained on October 2, 1971, from an accident while walking across the Delaware and Raritan Canal Bridge at New Brunswick; \$751 for expenses and \$500 for pain and suffering, payable from funds appropriated to the Department, \$1,251.

612. DEPARTMENT OF TRANSPORTATION

61100. *State Highway Facilities—Capital Construction**

700. DEPARTMENT OF INSTITUTIONS AND AGENCIES

12100-732-100. *State Prison, Rahway*

Nathaniel Boyd Williams, Lock Bag-R, Rahway State Prison, Rahway, New Jersey 07065, for pain and suffering and resultant consequences of second degree burns received on or about April 16, 1973, while working in the Rahway Regional Laundry, payable forthwith from funds appropriated to the Department, \$400.

12100-733-100. *State Prison, Leesburg*

John Oglesby, F-1 #46453, Leesburg, New Jersey 08327, for injuries received on or about June 23, 1971, while on work assignment in the State Prison Print Shop, Trenton, payable forthwith \$3,600

12100-734-100. *Youth Correctional Institution, Bordentown*

Thomas Leo Davis, Jr., State Prison, Trenton, New Jersey 08625, c/o Philip Newman, Esquire, Keator Building, 550 Cookman Avenue, Asbury Park, New Jersey 07712, for injuries received on February 21, 1972, while assigned to a work detail at the Skillman Unit of the Youth Correctional Institution, Bordentown; \$3,880 for compensation and \$120 for corrective shoes, payable forthwith; provided, however, that attorney's fees shall not exceed 10% of the award \$4,000

26100-792-100. *Diagnostic Center at Menlo Park*

Ralph Brancale, M.D., 46 Dekker Court, Greenbrier, Brick Town, New Jersey 08723, for reimbursement to Dr. Brancale, while serving as the Director of the Diagnostic Center, Menlo Park, in connection with the settlement in the case of Arzonetti vs. Brancale, payable from funds appropriated to the Department; provided, however, that the State reserves the right of subrogation, \$2,000.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-100. *Palisades Interstate Park Commission*

Boroughs of Alpine, Englewood Cliffs and Fort Lee,
c/o Schneider, Schneider and Behr, Counsellors
at Law, 1029 Teaneck Road, Teaneck, New Jersey
07666, for the Borough of Alpine, and Borough
Officials for the Boroughs of Englewood Cliffs and
Fort Lee, for loss of tax revenues for local pur-
poses from lands owned by Palisades Interstate
Park Commission:

Borough of Alpine	\$18,300
Borough of Englewood Cliffs	25,200
Borough of Fort Lee	19,500

Payable from the net share of revenues derived
from operations of gasoline stations on the New
Jersey section of the Palisades Interstate Park-
way, \$63,000.

970. THE JUDICIARY

73100. *Court Operations**

The Director, Division of Budget and Accounting,
is authorized to pay the following prior years'
vouchers from funds appropriated to the respec-
tive departments and institutions for fiscal year
1973-74:

Department of Transportation ..	\$103,272.16
Department of Institutions and Agencies:	
Trenton Psychiatric Hospital ..	3,613.21
State Prison, Rahway	4,714.68
Training School for Girls, Trenton	290.00
State Prison, Trenton	3,433.45
Youth Reception and Correction Center, Yardville	3,300.00
Department of Environmental Protection	2,284.53
Department of Law and Public Safety	7,172.91
Department of Civil Service	4,339.39

Department of Insurance	1,909.80	
Department of the Treasury	2,070.80	
Department of Higher Education:		
Ramapo State College	3,395.39	
Montclair State College	61,073.83	
	<hr/>	
	\$200,870.15	
Total Appropriation, Claims		\$20,100
		<hr/>
Total Supplemental Appropriation		\$3,195,100
		<hr/>

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 June 25, 1974.

*STATEMENT ON SENATE BILL No. 1151

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1151 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or parts thereof, so objected to shall not take effect.

On page 2:

“11100. *Regulation of Motor Vehicles*

Ellen R. O'Brien, 270 Shell Road, Carney's Point, New Jersey 08069, c/o G. Thomas Bowen, Esquire, 158 West Broadway, Salem, New Jersey 08079, for costs resulting from the transfer by the Division of Motor Vehicles of a truck title free of the recorded lien, payable from funds appropriated to the department, \$400.”

On page 4:

“41300. *Resource Management*

Maurice River Township, Municipal Hall, Leesburg, New Jersey 08327, c/o Porreca and Okoniewski, Attention Jerome E.

Okoniewski, Esquire, 211 Buck Street, Millville, New Jersey 08332, for payment in lieu of taxes for certain fish and game properties, payable from the Public Shooting and Fishing Grounds Fund, \$15,000.”

“Sandyston Township, Layton, New Jersey 07851, c/o Hixon Spangenberg, Township Clerk, Layton, New Jersey 07851, for payment in lieu of taxes for certain fish and game properties, payable from the Public Shooting and Fishing Grounds Fund, \$4,000.”

On pages 4 and 5 under 63100. *State Highway Facilities*:

“Albert Burkham, Lot 62, Block 9, Route #35, Keyport, New Jersey 07735, c/o Schwartz and Schwartz, 65 Milltown Road, East Brunswick, New Jersey 08816, Attention Gary M. Schwartz, Esquire, for expenses incurred in connection with certain drainage and sanitary problems resulting from drainage ditch construction on a section of State Highway #35, payable from funds appropriated to the Department, \$1,000.”

On pages 5 and 6:

“61100. *State Highway Facilities—Capital Construction*

Edwin F. and Elizabeth B. Fay, The Jet Pulverizer Company, State Highway #73, and O'Donnell Lane, P.O. Palmyra, New Jersey 08065, c/o Farr, Brandt, Haughey, Penberthy and Lewis, 4 Kings Highway East, Haddonfield, New Jersey 08033, for acquisition costs of land and a building on Interstate Route #90 and for the moving expenses of The Jet Pulverizer Company and Micro Repair Company in connection with the condemnation proceedings, payable from the Transportation Benefit Fund; provided, however, that said amount be deposited with the Clerk of the Superior Court, as required by statute, \$158,000. It having been determined that the foregoing purpose of the appropriation is within the purview of C. 54:8A-58 et seq. (Transportation Benefits Tax Act) said appropriation shall be charged to the Transportation Benefit Fund established in such Act.

“Royal Rack Service Company, Inc. 9545 Royal Highway, Pennsauken, New Jersey 08110, c/o Farr, Brandt, Haughey, Penberthy and Lewis, 4 Kings Highway East, Haddonfield, New Jersey 08033, for property acquisition costs in connection with condemnation proceedings during 1971 and 1972 related to construction of Interstate Highway #90, payable from the Transportation Benefit Fund, \$346,700.

“It having been determined that the foregoing purpose of the

appropriation is within the purview of C. 54:8A-58 et seq. (Transportation Benefits Tax Act) said appropriation shall be charged to the Transportation Benefit Fund established in such Act."

On page 7:

"73100. Court Operations

County of Morris, Court House, Morristown, New Jersey 07960, c/o Robert T. Natoli, County Treasurer, for overtime expended by the Sheriff's Office for security in the jury selection for the Squires and Chesimard Jury, payable from funds appropriated to The Judiciary, \$7,491."

These items are deleted in their entirety.

Senate Bill No. 1151 is a supplemental appropriations bill for the fiscal year ending June 30, 1974. The bill includes authorization for the payment of certain claims filed against the State of New Jersey. Among these claims are those which have been objected to by the Executive Departments of State Government and by the Attorney General, and in one instance, by the Administrative Office of the Courts. I have decided, for the reasons stated below, to delete entirely the following objected to claims.

In the Claim of Ellen R. O'Brien, it is alleged that the claimant loaned another individual \$1,000, which was to be secured by an interest in a motor vehicle owned by the borrower. Subsequently, the borrower obtained a duplicate certificate of title from the Division of Motor Vehicles which did not reflect the claimant's secured interest. He then sold the vehicle and absconded from the jurisdiction.

Although a mistake was made by employees of the Division of Motor Vehicles in the issuance of a duplicate certificate of title without the claimant's security interest being reflected thereon, N. J. S. A. 39:10-14 specifically provides that the Director of the Division of Motor Vehicles and its employees and agents shall not incur any personal liability with respect to the recordation and issuance of certificates relative to security interests in motor vehicles. The acceptance of liability by the State for every clerical error of a State employee in some way causing damage to a member of the public would open up a substantial area of potential claims against the State. Finally, during the course of the hearing before the Legislative Subcommittee on Claims, the claimant testified that after she became aware that the borrower had sold the motor vehicle on the basis of the duplicate certificate of title which failed to mention her security interest, she attempted to negotiate

with him directly without notifying the Division of Motor Vehicles. This course of action prejudiced the opportunity of the State to take any corrective action, and undercuts any equitable claim which Miss O'Brien otherwise might have had.

The Claim of Maurice River Township pursuant to N. J. S. A. 54:4-2.1 is based upon the present assessed value of the State land therein, not upon the valuation thereof at the time of acquisition. N. J. S. A. 54:4-2.1 provides, *inter alia*: “. . . said lands shall be assessed at the same value at which they were assessed at the time they were acquired by the State . . .” The lands owned by the State through the Division of Fish, Game and Shellfisheries in Maurice River Township comprise approximately 12,124.42 acres, representing periodic acquisitions of land commencing in the 1930's. Apparently, the only time that Maurice River Township submitted a claim for payment in lieu of taxes was in 1970. That bill was in the amount of \$1,406.71, based upon 50% assessed value at the rate of \$6.33 per \$100. The tax rate in Maurice River Township has decreased to \$5.49 per \$100 valuation. Not only has the tax rate fallen, but the amount of the claim in Senate Bill No. 1151 is higher than the 1970 claim. It is therefore apparent that the claim in question is based upon present assessed value in contravention of the statute.

The Claim of Sandyston Township, like that of Maurice River Township, appears to be based upon N. J. S. A. 54:4-2.1. One of the conditions set forth in that statute for the payment in lieu of taxes by the State for fish and game properties is that the aggregate area owned by the State must be at least 9% of the total area of municipality. However, the State only owns 7.8% of the land in Sandyston Township and is therefore exempt from taxation pursuant to N. J. S. A. 54:4-2.1.

In the Claim of Albert Burkham, the State constructed a drainage ditch within the State right-of-way alongside Highway 35. Unknown to the State, the claimant's septic system overflow lines ended nearby. The water table in this area is very high and had increased substantially due to increased annual rainfalls. The claimant alleges that he was required to relocate his overflow lines from his septic system because of the construction of the State's drainage ditch which was needed to prevent icing conditions on the highway. Claimant asserts that he was required to expend thousands of dollars making repairs and that the value of property was impaired by the construction of this drainage ditch. However, claimants subsequently sold their property for much more than

he had originally paid for it. There is no evidence of any negligence or actionable conduct on the part of the Department of Transportation or its employees. Furthermore, if this claim were asserted under the Tort Claims Act, it would be barred under the plan-design immunity provisions.

The Claim of Edwin F. Fay and Elizabeth B. Fay, and also the claim of Royal Rack Service Co., Inc., are claims for payment of the money required to condemn property along a right-of-way for which the Department of Transportation lacks sufficient funds to complete condemnation. These claims are technically deficient. As one example, the bill requires the entire appropriation, including relocation funds, to be deposited with the Clerk of the Superior Court; absent the bill, the Department could take title to or possession of the property by depositing only the registered fair market value in court. No such type of deposit is provided for in the Uniform Transportation Replacement Housing and Relocation Act, N. J. S. A. 27:7-72 et seq., and the bill offers no guidelines as to the withdrawal of the appropriated relocation funds. As another example, by court order dated July 2, 1973, the action to condemn the property subject to the Royal Rack Service Co., Inc. claim was dismissed. Thus, the bill appropriates \$346,700 for the acquisition of property which is no longer in condemnation.

In addition, the provisions of the Supplemental Appropriations Act are an inappropriate means for the State to determine what property to condemn for public purposes or how much to pay for it. The appropriation of \$504,700 would only scratch the surface of the Department's money problems with regard to Route 90, Section 2. On this highway project alone, the Department is in need of approximately \$2 million for right-of-way acquisitions. Furthermore, there is no reason why the property owners on this highway project should be treated better than property owners on other highway projects. In short, many millions of dollars would be required to solve problems throughout the State similar to those which the subject appropriations seek to resolve.

On the other hand, substantial equitable considerations favor the Claims of the Fays and of the Royal Rack Service Co., Inc. and I understand the Commissioner of Transportation is negotiating procedures with the claimants to provide appropriate compensation to them. I am informed that funds are available to the department to compensate these claimants and others along Route 90, Section 2 who are in similar situations.

The Claim of the County of Morris for \$7,491 would be paid

from funds heretofore appropriated to the Judiciary (Account 970) for court operations (73100). The trial of Squires and Chesimard was transferred from Middlesex to Morris County to assure the defendants the opportunity for a fair and impartial trial. This is a procedure normally followed when there is some question that litigants or defendants in a case cannot receive a fair and impartial trial in the county where venue is regularly set.

It is inappropriate, however, to require the Judiciary to use funds appropriated to it for other reasons to defray the additional expenses the Sheriff's Office in one county may incur as the result of the transfer of a case, as was done in this instance, even if the case derives from the State-wide Grand Jury. The expense of providing security through the Sheriff's Office in a particular county is not an appropriate expense for the Judiciary in the first instance. There should therefore not be a requirement that the Judiciary assume this expense of security merely because a case is transferred from one county to another.

Respectfully,

[SEAL]
Attest:

/s/ BRENDAN BYRNE,
Governor.

DONALD LAN,
Executive Secretary to the Governor.

CHAPTER 53

AN ACT requiring that school lunch be made available to children.

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

C. 18A:33-4 School lunch for pupils.

1. Each school district shall make school lunch available to all children enrolled in the district within 1 year from the effective date of this act. Such lunches shall meet minimum nutritional standards established by the Department of Education. Free and reduced price lunches shall be offered to all children qualifying under Statewide eligibility criteria.

C. 18A:33-5 Exemption from act.

2. Any school in which less than 5% of pupils enrolled meet the eligibility requirements for a free or reduced price lunch shall be exempt from the provisions of this act.

3. This act shall take effect July 1 next following enactment.

Approved June 26, 1974.

CHAPTER 54

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 June 27, 1974.

CHAPTER 55

AN ACT concerning annual salaries and salary ranges in the Executive Branch and revising and repealing parts of the statutory law.

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

C. 52:14-15.107 Annual salaries of certain cabinet members.

1. Notwithstanding the provisions of the Annual Appropriations Act for the fiscal year ending June 30, 1975, the annual salaries for the following officers are fixed and established as follows:

Title	Salary
Agriculture Department	
Secretary of Agriculture	\$41,000
Banking Department	
Commissioner, Department of Banking	41,000
Civil Service Department	
President, Civil Service Commission	41,000
Community Affairs Department	
Commissioner of Community Affairs	43,000
Defense Department	
Chief of Staff	38,400
Education Department	
Commissioner, Department of Education	43,000
Environmental Protection Department	
Commissioner, Environmental Protection	43,000
Health Department	
Commissioner, Department of Health	41,000
Higher Education Department	
Chancellor	43,000
Institutions and Agencies Department	
Commissioner, Department of Institutions and Agencies	43,000
Insurance Department	
Commissioner of Insurance	41,000
Labor and Industry Department	
Commissioner of Labor and Industry	43,000
Law and Public Safety Department	
Attorney General	43,000

Title	Salary
Public Advocate Department	
Public Advocate, provided such office is created by enactment of Assembly Bill 1409 or similar legislation	43,000
Public Utilities Department	
President of the Board of Public Utilities Commissioners	43,000
Member, Board of Public Utilities Commissioners	41,000
State Department	
Secretary of State	43,000
Transportation Department	
Commissioner of Transportation	43,000
Treasury Department	
State Treasurer	43,000
Any amounts required to pay increases in such salaries shall be transferred by the Director, Division of Budget and Accounting from their respective departmental appropriations.	

C. 52:14-15.108 Salary ranges of certain administrative and professional personnel, established by Civil Service.

2. The salary ranges for the following positions shall be as established by the Department of Civil Service with the approval of the Director, Division of Budget and Accounting. The salary rate for any such position shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated 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; and provided, further, that nothing in this act shall reduce the salary rate for any such position below that which is being paid on the effective date of this act:

Civil Service Department

Chief Examiner and Secretary

Community Affairs Department

Assistant Commissioner of Community Affairs

Director, Division of State and Regional Planning

Director, Division of Local Government Services

Director, Division of Housing and Urban Renewal

Director, Office of Aging Programs

Director, Office on Women

Environmental Protection Department

Director, Division of Water Resources

Director, Division of Parks and Forestry

Director of Fish, Game and Shell Fisheries

Director, Division of Marine Services

Director, Division of Environmental Quality

Health Department

Director, Division of Narcotic and Drug Abuse Control

Institutions and Agencies Department

Chairman, State Parole Board

Associate Member, State Parole Board

Public Defender

Labor and Industry Department

Director, Workplace Standards

Law and Public Safety Department

Colonel and Superintendent, State Police

Director, Division of Motor Vehicles

State Medical Examiner

Director, Division of Alcoholic Beverage Control

State Superintendent of Weights and Measures

Public Utilities Department

Director, Office of Cable Television

Executive Director, Public Broadcasting

State Department

Director, Division of Administrative Procedure

Transportation Department

Assistant Commissioner for Highways

Assistant Commissioner for Public Transportation

Treasury Department

Director, Division of Budget and Accounting

Director, Division of Taxation

Director, Division of Purchase and Property

Director, Division of Investments

Director, Division of Pensions

Director, Division of State Lottery.

3. Section 2 of P. L. 1948, c. 84 (C. 30:4-123.2) is amended to read as follows:

C. 30:4-123.2 Chairman and associate members; duties; compensation.

2. The chairman and associate members of the board shall devote their entire time to the performance of their duties and shall receive such compensation as shall be provided by law.

4. R. S. 48:2-5 is amended to read as follows:

Salary.

48:2-5. The members of the board shall each receive such compensation as shall be provided by law.

C. 52:14-15.109 Rules and regulations.

5. The President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall promulgate rules and regulations to implement this act.

C. 52:14-15.104

**to
C. 52:14-15.105 Repealed.**

6. P. L. 1969, c. 194 is repealed.

C. 52:14-15.110 Annual Appropriations Act to enumerate salaries for certain cabinet members.

7. For the fiscal year beginning July 1, 1975 and for each fiscal year thereafter, the salaries for the officers enumerated in section 1 of this act shall be as provided in the Annual Appropriations Act for each such year.

8. This act shall take effect July 1, 1974.

Approved June 28, 1974.

CHAPTER 56

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 purpose herein specified:

003-100. LEGISLATIVE SERVICES AGENCY

Extraordinary:

Salaries and equipment for

new positions \$125,000

004-100. OFFICE OF FISCAL AFFAIRS

Extraordinary:

Salaries and equipment for new positions \$15,000

2. This act shall take effect immediately.

Approved June 28, 1974.

 CHAPTER 57

AN ACT concerning the annual salaries of the justices and judges of State and county courts and the establishment of salary ranges for certain offices and positions in the judicial branch of the State Government, and repealing P. L. 1970, c. 105.

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

C. 2A:1A-6 Salaries of Justices and Judges of State and county courts.

1. Annual salaries of the following justices and judges are fixed and established as follows:

Title	Salary
Chief Justice of the Supreme Court	\$50,500
Associate Justice of the Supreme Court	48,000
Judge of the Superior Court, Appellate Division	45,000
Judge of the Superior Court, Assignment judge	43,000
Judge of the Superior Court	40,000
Judge of the County Court	40,000
Judge of the county district court	37,000
Judge of the juvenile and domestic relations court	40,000

C. 2A:1A-7 Salary ranges for certain offices and positions.

2. The following positions in the judicial branch shall continue in their unclassified status and the salary ranges therefor shall be as fixed heretofore and as may be fixed from time to time pursuant to Title 11 of the Revised Statutes, except that salary ranges for these positions shall also require the approval of the Director, Division of Budget and Accounting:

Administrative Director of the Courts.

Standing Master of the Supreme Court.

3. Section 1 of this act shall become operative at the beginning of the biweekly pay period following enactment.

C. 2A:1A-8 Applicability of act.

4. The increases in salary provided for in this act shall not be applicable to any present member of the Senate or General Assembly during the term for which he shall have been elected should such member hereafter be appointed to any of the offices enumerated in section 1 of this act.

C. 2A:1A-1 to C. 2A:1A-5 Repealed.

5. P. L. 1970, c. 105 (C. 2A:1A-1 et seq.) is hereby repealed.

6. This act shall take effect immediately.

Approved June 28, 1974.

CHAPTER 58

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1975 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1974-75

Surplus

Estimated balance, July 1, 1974	\$321,287,900
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Major Taxes and Licenses

Sales tax	\$832,000,000
Motor fuels tax	273,000,000
Miscellaneous corporation taxes	213,000,000
Foreign insurance corporation tax	47,800,000
Domestic life insurance corporation tax	1,700,000
Motor vehicle fees, et cetera	167,000,000
Motor fuel use tax	4,500,000
Cigarette tax	179,000,000
Transfer inheritance tax	92,000,000

Alcoholic beverage tax	61,500,000
Pari-mutuel tax	42,000,000
Public utility tax	32,500,000
Bank stock tax	12,000,000
Financial business tax—State share	2,400,000
Savings institution tax	2,500,000
<hr/>	
Total, Major Taxes and Licenses	\$1,962,900,000
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*Miscellaneous Taxes, Licenses, Federal Aid and Other
Departmental Revenue*

Department of Law and Public Safety:	
Motor Vehicle Security-Responsibility Law Administration	\$2,135,122
Beverage licenses	2,067,535
Division of Consumer Affairs, general revenues ..	1,850,536
Professional examining boards fees	1,670,519
Amusement games control fees	102,600
Division of State Police—miscellaneous receipts ..	354,000
Bus excise tax	220,100
Division of Motor Vehicles—miscellaneous re- ceipts	1,000
Department of the Treasury:	
Investment earnings	25,000,000
Interest on deposits	1,000,000
Escheats, personal property (14-year law)	170,000
Public utility tax administration	102,000
Pensions and social security administration	3,000,000
Pension contributions from special fund sources ..	4,100,000
Public employers contribution reimbursement	2,400,000
Social security contributions from special fund sources	4,600,000
Rutgers, The State University—fringe benefit re- imbursement	1,100,000
Health benefits contributions from special fund sources	2,500,000
Rent of State building space	600,000
Railroad taxes—franchise	50,000
Division of Tax Appeals—fees	74,150
Judicial retirement system reimbursements	1,341,854

Federal aid: Unemployment Benefits Section . . .	127,198
Federal aid: Indirect Cost Recovery Program . . .	750,000
Department of State:	
General revenue—fees	4,906,000
Uniform commercial codes—fees	679,000
Commissions	230,000
Department of Banking:	
Examining and other fees	1,662,700
New Jersey cemetery board	37,900
Department of Insurance:	
Examining and other fees	2,069,647
Real Estate Commission	1,510,295
Department of Agriculture:	
General fees	210,500
Milk Control licenses and fees	207,500
Fertilizer inspection and other fees	152,200
Department of Defense:	
Armory rentals	43,500
Surplus Property Agency	87,915
Federal aid: general	162,600
Federal aid: Civil Defense	355,000
Department of Public Utilities:	
General revenue—fees	3,621,068
Department of Health:	
General revenues, licenses, fees, et cetera	755,035
Rabies Control licenses	219,144
Department of Labor and Industry:	
General revenues, licenses, fees, et cetera	1,172,700
Second Injury Workmen's Compensation insurance tax	300,756
Federal aid: Vocational rehabilitation	13,924,476
Department of Environmental Protection:	
Air Pollution Control	300,000
Water Pollution Control fees	34,450
Bureau of Radiation Protection	390,000
State Sewerage Facilities Fund	2,000,000
Solid waste management	380,000
Hunters' and Anglers' licenses	2,402,662
Federal aid: Hunters' and Anglers' License Fund	85,000
Public Shooting and Fishing Grounds Fund	629,888

Federal aid: Public Shooting and Fishing Grounds	315,000
Bureau of Parks	1,252,000
Bureau of Forestry	20,000
Federal aid: forest nursery, farm forestry, forest fires and pest control	437,600
Bureau of Navigation—Motor Boat Numbering Act	801,220
Bureau of Navigation—other fees	542,600
Federal aid: air pollution	1,965,000
Federal aid: water pollution	1,095,105
Federal aid: radiation protection	157,925
Pilot Commissioners' receipts	40,400
Excess water diversion fees	200,000
Well drillers' licenses and permits	34,400
Delaware and Raritan Canal—rentals and sales	702,000
Round Valley-Spruce Run—sale of water	701,041
Shell Fisheries—licenses and fees	180,600
Morris Canal fund receipts	54,000
Department of Education:	
Academic certificate fees	26,000
Marie H. Katzenbach School for the Deaf—board and fees	10,000
State Board of Examiners—fees	550,000
Miscellaneous licensing fees	27,300
Federal aid: Smith-Hughes, George-Barden funds	200,000
Department of Higher Education:	
State Colleges—	
Glassboro:	
Tuition—regular	4,949,200
Miscellaneous	30,000
Auxiliary services income	1,105,637
Summer program tuition and fees	836,400
Other student fees	203,880
Jersey City:	
Tuition—regular	3,862,250
Miscellaneous	12,000
Auxiliary services income	127,900
Summer program tuition and fees	361,140
Other student fees	110,340

Kean College of New Jersey:	
Tuition—regular	5,473,329
Miscellaneous	36,000
Auxiliary services income	300,000
Summer program tuition and fees	498,210
Other student fees	210,000
William Paterson:	
Tuition—regular	5,104,680
Miscellaneous	24,400
Auxiliary services income	355,000
Summer program tuition and fees	390,000
Other student fees	181,522
Montclair:	
Tuition—regular	6,858,465
School of Conservation	329,000
Miscellaneous	22,000
Auxiliary services income	490,768
Summer program tuition and fees	958,775
Home Economics program (Federal)	15,000
Other student fees	218,608
Trenton:	
Tuition—regular	4,748,975
Miscellaneous	23,000
Auxiliary services income	1,780,668
Summer program tuition and fees	581,750
Other student fees	179,400
Ramapo:	
Tuition—regular	1,617,300
Miscellaneous	3,400
Auxiliary services income	238,000
Summer program tuition and fees	128,000
Other student fees	51,200
Richard Stockton:	
Tuition—regular	1,588,650
Miscellaneous	6,000
Auxiliary services income	266,074
Summer program tuition and fees	100,278
Other student fees	40,000
Agricultural Experiment Station—fees	15,000
Bond interest recoveries	254,956

Department of Transportation:	
Outdoor advertising	250,000
Division of Aeronautics fees	85,000
Miscellaneous receipts	200,000
Department of Institutions and Agencies:	
Board of patients and other income	82,320,000
Adoption law fees	170,000
Division of Mental Retardation	1,500,000
Federal aid: soldiers' homes	1,420,000
Federal aid: Division of Youth and Family Services:	
In lieu of ADC	16,050,000
Federal aid: administration of Division of Public Welfare and central office	8,600,000
Federal aid: administration of blind	3,800,000
Federal aid: medical assistance—administration	10,897,965
Department of Community Affairs:	
Division of Housing and Urban Renewal—fees ..	1,800,000
Division of Local Finance—fees	87,920
Delaware River Joint Toll Bridge Commission:	
Pennsylvania's share	412,293
Judiciary:	
Court fees	7,402,800
Unclassified:	
Miscellaneous revenues	750,000
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Total, Miscellaneous Taxes, Licenses, Federal Aid and Other Departmental Revenues	\$283,591,874
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Interfund Transfers

Unclaimed Bank Deposits Escheat Fund	\$74,250
Unclaimed Life Insurance Escheat Fund	65,000
Unclaimed Personal Property Trust Fund	230,000
School Fund—income	2,208,825
1837 Surplus Revenue Fund—income	36,000
State Higher Education Buildings Construction Fund (Act of 1971)	200,000
Public Buildings Construction Fund	1,500,000
Unsatisfied Claim and Judgment Fund	332,760
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	450,000

State Recreation and Conservation Land Acquisition Fund (Act of 1961)	25,000
Water Conservation Fund	1,500,000
State Water Development Fund	5,000
State Transportation Fund	8,075,500
State 1964 Institution Construction Fund	5,000
Housing Assistance Fund	100,000
State Disability Benefits Fund	4,951,011
Interest on deposits (trust funds)	109,350
Motor Vehicle Security-Responsibility Fund	115,800
Outstanding checks account	30,000
Unemployment compensation auxiliary fund	300,000
General Revenue Sharing Fund	69,550,489
Earnings on General Revenue Sharing Fund	400,000
State Lottery Fund	54,500,000
State Lottery Fund—Administration	4,758,513
Transportation Fund (Emergency Transportation Tax)	31,000,000
Transportation Benefits Fund	25,000,000
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Total Interfund Transfers	\$205,522,498
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Total Resources	\$2,773,302,272
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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 applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1975. 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, 1975 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1975 with the

Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by September 30, 1975. 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

*Legislative Affairs**72100. Legislature*

72110-001-100. Senate	\$2,258,104
Sub-Total Appropriation	<u>\$2,258,104</u>

Salaries:

Senators (40)	(\$403,334)
Members' staff services	(600,000)
Officers and employees	(425,000)
Materials and Supplies	(188,150)
Services Other Than Personal	(410,000)

Maintenance of Property:

Recurring	(8,500)
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Extraordinary:

Members' district offices	(200,000)
Compensation awards	(3,120)
Additions and Improvements	(20,000)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

72120-002-100. General Assembly	\$3,647,234
Sub-Total Appropriation	<u>\$3,647,234</u>

Salaries:

Assemblymen (80)	(\$803,334)
Members' staff services	(1,200,000)
Officers and employees	(425,000)
Materials and Supplies	(242,200)
Services Other Than Personal	(547,000)

Maintenance of Property:

Recurring	(9,700)
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Extraordinary:

Members' district offices (400,000)
 Additions and Improvements (20,000)

The unexpended balance as of June 30, 1974 in this
 account is hereby appropriated.

Total Appropriation, Legislature \$5,905,338

The amount provided hereinabove for Members' staff services shall be used for the employment of staff by each member of the Legislature at a cost not to exceed \$15,000 per legislator; provided, however, that the expenditure shall be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

The amount provided hereinabove for Members' district offices shall be used for offices, rent, telephone, furniture, and office equipment at a cost not to exceed \$5,000 per legislator; provided, however, that the purchase of these services shall not be in any facility in which the legislator has any proprietary interest; provided further, however, that the sum shall not be used to provide remuneration to any member of the Legislature; and provided further, however, that the expenditure shall be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

72200. Legislative Services

72210-003-100. Legislative Services Agency \$1,432,271

Total Appropriation, Legislative Services
 Agency \$1,432,271

Salaries:

Officers and employees (\$923,060)
 New positions (289,165)
 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)

To improve legislative services (63,196)

Additions and Improvements (10,000)

The unexpended balance, not to exceed \$175,000, as
of June 30, 1974 in this account is hereby appro-
priated.

72300. Office of Fiscal Affairs

72310-004-100.	Administrative Office of the Execu- tive Director	\$311,830
72320-004-100.	Division of State Auditing	1,069,984
72330-004-100.	Division of Budget Review	228,984
72340-004-100.	Division of Program Analysis	293,639

Total Appropriation, Office of Fiscal Affairs	<u>\$1,904,437</u>
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Salaries:

State Auditor (\$21,250)

Officers and employees (1,592,387)

Position transferred from another
division (26,515)

Materials and Supplies (33,135)

Services Other Than Personal (92,900)

Maintenance of Property:

Recurring (3,950)

Non-recurring and replacements... (800)

Extraordinary:

Special professional services (125,000)

Additions and Improvements (8,500)

72400. Legislative Commissions

72410-010-100.	Intergovernmental Relations Com- mission	\$96,160
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Sub-Total Appropriation	<u>\$96,160</u>
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Salaries:

Officers and employees (\$600)

Materials and Supplies (180)
 Services Other Than Personal (7,730)

Extraordinary:

The Council of State Governments. (48,550)
 Atlantic States Marine Fisheries
 Commission (3,300)
 National Conference of Commis-
 sioners on Uniform State Laws .. (4,300)
 Education Commission of the States (16,500)
 National Governors' Conference .. (11,500)
 Advisory Commission on Intergov-
 ernmental Relations (1,000)
 National Society of State Legis-
 lators (2,500)

72410-018-100. State Commission of Investigation

Extraordinary:

Expenses of Commission \$675,000

The unexpended balance as of June 30, 1974 in this
 account is hereby appropriated.

72410-039-100. County and Municipal Government
 Study Commission

Extraordinary:

Expenses of Commission \$115,000

The unexpended balance as of June 30, 1974 in this
 account is hereby appropriated.

72410-048-100. Energy Crisis Study Commission

Extraordinary:

Expenses of Commission \$72,000

The unexpended balance as of June 30, 1974 in this
 account is hereby appropriated.

72410-049-100. County Penal System Study Com-
 mission

Extraordinary:

Expenses of the Commission \$15,000

72410-050-100. Commission to Study Drug Law
Penalties and Treatment Pro-
grams

Extraordinary:

Expenses of the commission	\$5,000
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Total Appropriation, Legislature	\$10,220,206
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080-100. CHIEF EXECUTIVE'S OFFICE

Executive Management, Planning and Control

71100. *Executive Management*

71110. Chief Executive and Other Executive Functions	\$812,742
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Total Appropriation, Chief Executive's Office	\$812,742
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Salaries:

Governor	(\$57,500)
Secretary to the Governor	(25,000)
Officers and employees	(476,098)
New positions	(60,044)
Materials and Supplies	(41,000)
Services Other Than Personal	(105,200)

Maintenance of Property:

Recurring	(1,900)
Non-recurring and replacements ..	(6,000)

Extraordinary:

An allowance to the Governor of funds not otherwise appropri- ated, for official reception on behalf of the State, operation of an official residence and other expenses	(35,000)
Governor's annual art purchase award	(5,000)

The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Law Enforcement*140-100. *Division of Motor Vehicles*11100. *Regulation of Motor Vehicles*

11110. Licensing and Registration	\$6,880,297
11120. Vehicle Control	8,707,031
11130. Driver Control and Enforcement	5,314,369
11140. Security Responsibility	2,135,122
11150. Unsatisfied Claim and Judgment Fund	332,760
11190. Administration and Support	1,438,730
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Total Appropriation	\$24,808,309
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Salaries:

Officers and employees (\$17,903,850)

New positions (290,632)

Materials and Supplies (1,881,971)

Services Other Than Personal (4,231,972)

Maintenance of Property:

Recurring (133,050)

Non-recurring and replacements .. (57,577)

Extraordinary:

Traffic Safety Education (10,000)

For transfer to an applicant State
department for the State share of
the cost of highway safety projects
which qualify for no less than 50%
matching by the Federal govern-
ment (250,000)

Compensation awards (30,000)

Additions and Improvements (19,257)

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 (RS 39:3-3
and RS 39:10-25.)

The amount hereinabove appropriated to Security
Responsibility for the cost of administering the
Motor Vehicle Security-Responsibility Law shall

be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State (NJS 39:6-58) and any receipts in excess of the amount specifically appropriated are hereby appropriated; 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 Unsatisfied Claim and Judgment Fund the amounts hereinabove set forth for administration of the Unsatisfied Claim and Judgment Fund, together with such additional sums as may be necessary for the payment of costs (C39:6-67) for payment of claims, and for such additional costs as may be required to implement PL 1968, c. 323; 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, 1974 in the Extraordinary category, which represents the State share of the cost of highway safety projects, is hereby appropriated for such projects.

120-100. *Division of State Police*

11200. *State Police*

11210. Patrol Activities and Crime Control	\$23,520,442
11220. Police Services and Public Order	6,086,881
11290. Administration and Support	1,861,138

Total Appropriation	<u>\$31,468,461</u>
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Salaries:

Officers and employees	(\$20,300,824)
Cash in lieu of maintenance	(3,728,400)
New positions	(1,057,636)
Materials and Supplies	(1,939,139)
Services Other Than Personal	(1,628,568)
Maintenance of Property:	
Recurring	(530,700)
Non-recurring and replacements ..	(1,611,980)

Extraordinary:

Compensation awards	(116,000)
Additions and Improvements	(555,214)

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.

11300. Legal, Administrative and Support Services

11310. Legal Services	\$2,963,823
11320. Criminal Justice	2,438,670
11330. Police Training Commission	414,149
11340. State Medical Examiner	500,732
11360. Election Law Enforcement	253,166
11380. Law Enforcement Planning	3,301,000
11390. Department Planning and Management ..	307,744

Total Appropriation	<u>\$10,179,284</u>
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Salaries:

Attorney General	(\$40,000)
Officers and employees	(4,765,187)
New positions	(457,177)
Materials and Supplies	(211,225)
Services Other Than Personal	(551,861)

Maintenance of Property:

Recurring	(14,591)
Non-recurring and replacements ..	(59,866)

Extraordinary:

Amendment to State Grand Jury Act	(300,000)
Scholarships	(50,000)
New Jersey Election Law Enforcement Commission	(253,166)
Action grants (Part C)	(2,700,000)
Correctional assistance grants (Part E)	(220,000)
Discretionary grants	(223,000)
Grant for administration of SLEPA	(120,000)
Planning Grants (Part B)	(38,000)
Legislative Agents Disclosure Act publication	(4,000)
Additions and Improvements	(171,211)

The unexpended balance as of June 30, 1974 in the Study of Governmental Immunity Laws account (C52:17B-4.1 et seq.) is hereby appropriated.

The unexpended balance as of June 30, 1974 in the Executive Commission on Ethical Standards account (C52:13D-12 et seq.) is hereby appropriated.

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund (C38:23B-1) such sums as may be necessary to pay for the administration thereof.

The unexpended balance as of June 30, 1974 in the revolving fund established under the New Jersey Antitrust Act (C56:9-1 et seq.) is hereby appropriated for the administration of the Act; provided, however, that any expenditures therefrom or any income to be credited thereto shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by Systems and Communications, together with the unexpended balance of such receipts as of June

30, 1974, for the purpose of operating the revolving fund, 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.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Systems and Communications revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

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, not to exceed \$50,000 as of June 30, 1974 in the revolving fund established to provide for expenses in operating C48:2-31.1 et seq., together with all receipts, are hereby appropriated.

The unexpended balance as of June 30, 1974 in the Tort Claims account is hereby appropriated for the payment of such claims.

The unexpended balance as of June 30, 1974 in the Law Enforcement Planning program element is hereby appropriated.

The unexpended balance as of June 30, 1974 in the Local police agencies assistance account is hereby appropriated for the same purpose.

11400. *Protection of Individual Rights*

11410. Consumer Affairs—General	\$2,239,155
11420. Consumer Affairs—Professional Boards ..	1,788,864

11430. Civil Rights	1,176,341
11440. Violent Crimes Compensation	1,051,780
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Total Appropriation	\$6,256,140
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Salaries:

Officers and employees	(\$2,678,677)
New positions	(139,851)
Materials and Supplies	(81,600)
Services Other Than Personal	(638,140)

Maintenance of Property:

Recurring	(17,900)
Non-recurring and replacements ..	(25,850)

Extraordinary:

State Board of Certified Public Accountants	(105,467)
State Board of Architects	(72,626)
State Board of Dentistry	(57,664)
State Board of Mortuary Science ..	(47,863)
State Board of Professional Engineers and Land Surveyors	(119,129)
State Board of Medical Examiners ..	(162,999)
State Board of Nursing	(296,135)
State Board of Optometrists	(27,498)
State Board of Pharmacy	(97,745)
State Board of Veterinary Medical Examiners	(12,363)
State Board of Shorthand Reporting ..	(4,960)
State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	(17,340)
State Board of Beauty Culture Control	(170,503)
State Board of Professional Planners	(29,891)
State Board of Examiners of Electrical Contractors	(73,454)
State Board of Psychological Examiners	(21,416)
State Board of Examiners of Master Plumbers	(66,171)

State Board of Marriage Counselor	
Examiners	(5,890)
State Board of Barber Examiners ..	(85,257)
Private Employment Agencies Sec-	
tion	(63,310)
Legalized Games of Chance Control	
Commission	(204,736)
Office of State Athletic Commis-	
sioner	(46,447)
Claims—Victims of Violent Crimes	(862,743)
Compensation awards	(10,000)
Additions and Improvements	(12,515)

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.

The unexpended balance as of June 30, 1974 in the Claims—Victims of violent crimes account is hereby appropriated for the payment of such claims.

14800. *Regulation of Other Industries*

14810. Alcoholic Beverage Control	\$1,872,351
14820. Racing Commission	532,311
Total Appropriation	<hr/> \$2,404,662 <hr/>

Salaries:

Officers and employees	(\$2,116,056)
Materials and Supplies	(37,740)
Services Other Than Personal	(218,178)

Maintenance of Property:

Recurring	(5,950)
Non-recurring and replacements ..	(22,193)

Extraordinary:

Compensation awards	(1,000)	
Additions and Improvements	(3,545)	
Total Appropriation, Department of Law and Public Safety		\$75,116,856

200. DEPARTMENT OF THE TREASURY

*Executive Management, Planning and Control*71200. *Central Management, Planning and Control*

71210. Budget Planning and Control	\$1,464,925
71220. Accounting and Fiscal Management	3,021,826
71230. Management of Data Processing and Telecommunications	707,525*
71240. Employee Relations and Collective Negotiations	256,686
71250. Economic Planning and Research	80,732
71260. Management of State Investments	626,667
71270. Management of Employee Benefits Pro- grams	3,357,045
Total Appropriation	\$9,515,406*

Salaries:

Officers and employees	(\$6,179,922)
New positions	(312,546)
Materials and Supplies	(261,075)
Services Other Than Personal	(2,606,010)

Maintenance of Property:

Recurring	(20,000)
Non-recurring and replacements ..	(11,033)

Extraordinary:

Study of State employment condi- tions	(15,000)
Federal-State Liaison Office, Wash- ington, D. C.	(100,000)
For the purchase of services for intergovernmental visual communications	*
Additions and Improvements	(9,820)

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 acts.

Such sums as may be necessary for payment of interest due from the issuance of any bonds authorized under the several bond acts of the State, are hereby appropriated and shall first be charged to the earnings of the investment of such bond proceeds.

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 C52:18-16.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

71300. *Tax and Revenue Administration*

71310. Tax Collection and Enforcement Services	\$7,593,507
71320. Tax Audit Services	8,470,512
71330. Administration of State Lottery	4,758,513
71380. Adjudication of Tax Appeals	331,660
71390. Administration and General Support	1,378,639
Total Appropriation	<u>\$22,532,831</u>

Salaries:

Judges (6 @ \$17,000)	(\$102,000)
Officers and employees	(15,058,299)
New positions	(731,402)

Materials and Supplies	(1,036,430)
Services Other Than Personal	(5,373,198)
Maintenance of Property:	
Recurring	(32,000)
Non-recurring and replacements ...	(34,102)
Extraordinary:	
Administration of Farmland Act ..	(10,000)
Motor vehicle agent fees	(102,000)
Additions and Improvements	(53,400)

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.

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 (C54:8A-1 et seq.) and the Transportation Benefits Tax Act (C54:8A-58 et seq.) shall first be charged to the Transportation Fund or the Transportation Benefit 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.

There are hereby appropriated out of the State Lottery Fund the amounts hereinabove set forth for administration of the Division of the State

Lottery, and such sums as may be necessary for such additional costs as may be required to implement C5:9-1 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 C5:9-7.

78100. *Central Support Services*

78110. Purchasing and Inventory Management ..	\$1,604,550
78120. Physical Plant Operation and Maintenance	3,864,137
78130. Other Property Management Services	341,952
78170. Construction Management Services	1,233,034
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Total Appropriation	\$7,043,673
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Salaries:

Officers and employees	(\$4,741,021)
New positions	(160,281)
Materials and Supplies	(1,188,475)
Services Other Than Personal	(514,500)

Maintenance of Property:

Recurring	(203,800)
Non-recurring and replacements ...	(97,800)

Extraordinary:

Affirmative Action Program	(100,000)
Additions and Improvements	(37,796)

The unexpended balance as of June 30, 1974 in the Gubernatorial transition—Governor account is hereby appropriated.

78110-230-300. *State Purchase Fund*

The unexpended balance in the State Purchase Fund as of June 30, 1974, and 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 (RS 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, 1974, in excess of \$2,000,000, shall be transferred by the State Treasurer to the General State Fund.

78140-220-300. *Data Processing Services*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Bureau of Data Processing, and the unexpended balance of such receipts as of June 30, 1974, for the purpose of operating the revolving fund, 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.

The Director of the Division of Budget and Accounting be empowered to transfer or credit to the Bureau of Data Processing revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

78150-210-303. *Central Vehicle Fleet Management*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by a central motor pool, and the unexpended balance of such receipts as of June 30, 1974, 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.

78170-235-300. *Construction Management Services*

The Director of the Division of Budget and Accounting be empowered to transfer or credit to the Inspection and Administration of Construction account from the various appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

79100. *Department Management*

79110. Management Services	\$695,085
Total Appropriation	<u>\$695,085</u>

Salaries:

State Treasurer	(\$40,000)
Officers and employees	(449,695)
New positions	(69,867)
Positions transferred from another subcategory	(43,849)
Materials and Supplies	(13,900)
Services Other Than Personal	(74,401)
Maintenance of Property:	
Recurring	(2,000)
Additions and Improvements	(1,373)

79120-210-301. *Print Shop*

The unexpended balance as of June 30, 1974 in the Print Shop revolving fund, heretofore established, and any receipts therefrom during fiscal year 1974-75, are hereby appropriated for the several purposes thereof; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting be empowered to transfer or credit to the Print Shop revolving fund from any appropriation made to any department for printing costs appropriated or allocated to such departments for its share of costs of the Print Shop.

79120-210-302. *Microfilm Section*

The unexpended balances as of June 30, 1974 in the Microfilm Section revolving fund, heretofore established, and any receipts therefrom during fiscal year 1974-75, are hereby appropriated for the several purposes thereof; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting be empowered to transfer or credit to the Microfilm Section revolving fund from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for its share of costs of the Microfilm Section.

79120-233, 234-400. *State Cafeterias*

The unexpended balances in the State Cafeteria accounts as of June 30, 1974, and the receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria services and facilities (C52:18A-19.6).

Total Appropriation, Department of the
Treasury

\$39,786,995*

300. DEPARTMENT OF STATE

*Direct Public Services*34600. *Development of Arts and Culture*
New Jersey State Council on the Arts

34610. Development Support	\$790,352*
Total Appropriation	<hr/> \$790,352* <hr/>

Salaries:

Officers and employees	(\$30,672)
New position	(13,430)
Materials and Supplies	(2,050)
Services Other Than Personal	(12,500)
Maintenance of Property:	
Recurring	(200)
Non-recurring and replacements ..	(500)

Extraordinary:

Cultural Projects—	
Other Cultural Projects	(200,000)
Contracts with New Jersey Sym-	
phony Orchestra	(400,000)
Contracts with Trenton Sym-	
phony Orchestra	(30,000)
Contracts with Opera Theatre of	
New Jersey	(100,000)*
Additions and Improvements	(1,000)

The unexpended balance as of June 30, 1974 for Cultural projects is hereby appropriated for the same purposes; provided, however, that no funds appropriated for such projects shall be expended except to supplement funds made available from Non-State Fund sources.

Of the sum appropriated for Other cultural projects, a sum not to exceed \$10,000 may be used for additional administrative expenses.

*Executive Management, Planning and Control*71600. *Recording, Filing and Control of Documents
and Administrative Procedures*

71610. Recording and Filing of Documents	\$994,818
71620. Codification and Publication of Administrative Procedures	276,220
Total Appropriation	<u>\$1,271,038</u>

Salaries:

Secretary of State	(\$38,000)
Officers and employees	(944,217)
New position	(15,547)
Materials and Supplies	(84,900)
Services Other Than Personal	(180,074)

Maintenance of Property:

Recurring	(4,100)
Non-recurring and replacements	(2,000)
Additions and Improvements	(2,200)

The unexpended balance not to exceed \$25,000, as of June 30, 1974 of the fees collected for publications by the Division of Administrative Procedure, and receipts collected during fiscal year 1974-75 are hereby appropriated for the costs of mailing and printing.

Total Appropriation, Department of State . .	<u><u>\$2,061,390*</u></u>
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310. DEPARTMENT OF CIVIL SERVICE

*Personnel Management*75500. *Merit System Administration*

75510. Personnel Administration Policy for Career Service	\$386,422
75520. Public Career Service Motivation	1,927,134
75530. Public Career Service Improvement	2,156,248
75590. General Program Support	726,259
Total Appropriation	<u>\$5,196,063</u>

Salaries:

President	(\$38,000)
Commissioners (4 @ \$10,500)	(42,000)
Officers and employees	(3,583,770)
New positions	(193,694)
Materials and Supplies	(229,475)
Services Other Than Personal	(914,124)

Maintenance of Property:

Recurring	(9,000)
Non-recurring and replacements ..	(11,100)

Extraordinary:

Public Service Institute	(65,000)
Compensation awards	(2,500)
Public Employment Career Develop- ment	(50,000)
Additions and Improvements	(57,400)

Total Appropriation, Department of Civil
Service

\$5,196,063

The unexpended balance as of June 30, 1974 in the
Public Service Institute account, together with
the receipts derived for training and services are
hereby appropriated for use by the Institute.

DEPARTMENT OF BANKING

*Regulation of Industry*14100. *Regulation of Financial Institutions*

14110. Regulation of Banking Industry	\$1,232,916
14120. Regulation of Savings and Loan Associa- tions	543,009
14190. Management and General Support	345,429
Total Appropriation	<u>\$2,121,354</u>

Salaries:

Commissioner	(\$38,000)
Officers and employees	(1,763,743)
Materials and Supplies	(33,200)
Services Other Than Personal	(241,165)

Maintenance of Property:

Recurring	(2,500)
Non-recurring and replacements ..	(1,464)

Extraordinary:

New Jersey Cemetery Board	(37,900)
Compensation awards	(700)

Additions and Improvements	(2,682)
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Additional receipts derived pursuant to PL 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 as of June 30, 1974 in the New Jersey Cemetery Board account is hereby appropriated for the same purpose.

Total Appropriation, Department of Banking	<u><u>\$2,121,354</u></u>
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DEPARTMENT OF INSURANCE

*Regulation of Industry*14200. *Regulation of the Insurance and Real Estate Industries*

14210. Licensing and Enforcement	\$1,116,270
14220. Actuarial Services	764,645
14230. Regulation of Real Estate Industry	439,291
14290. Management and General Support	488,361

Total Appropriation	<u><u>\$2,808,567</u></u>
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Salaries:

Commissioner	(\$38,000)
Real Estate Commissioners	
(6 @ \$5,000)	(30,000)

Officers and employees	(2,251,718)
New positions	(127,404)
Materials and Supplies	(69,400)
Services Other Than Personal	(259,519)

Maintenance of Property:

Recurring	(4,050)
Non-recurring and replacements ..	(10,350)

Extraordinary:

Compensation awards	(5,900)
Additions and Improvements	(12,226)

The trust fund of the National Association of Insurance Commissioners (C17:24-13) is hereby appropriated.

There is hereby appropriated a sum not to exceed \$375,000 from any additional receipts derived as the result of legislation increasing licensing and examination fees charged by this Department, exclusive of the Real Estate Commission; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Department of Insurance	\$2,808,567
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330. DEPARTMENT OF AGRICULTURE

*Environmental Management*41100. *Disease Control and Agricultural Development Services*

41110. Animal Disease Control	\$412,200
41120. Plant Pest and Disease Control	913,561
41130. Resource Development Services	380,345*

Total Appropriation	\$1,706,106*
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Salaries:

Officers and employees	(\$1,113,716)
New positions	(20,983)

Positions transferred from other subcategories	(55,052)
Materials and Supplies	(130,585)
Services Other Than Personal	(212,075)

Maintenance of Property:

Recurring	(2,500)
Non-recurring and replacements ..	(2,710)

Extraordinary:

Indemnities (C4:5-93.37)	(10,000)
Indemnities, hog cholera eradication (RS 4:5-10)	(15,000)
Gypsy moth control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT)	(75,000)
Soil survey program	(65,000)
Grants to Soil Conservation Districts	*
Additions and Improvements	(3,485)

The unexpended balances as of June 30, 1974, in the accounts for Indemnities (C4:5-93.37); Indemnities, hog cholera eradication (C4:5-10); 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	\$300,000
51320. Dairy Industry Regulation	382,875
51330. Other Commodity Regulation	499,800
51340. Marketing Services	378,094
51350. Commodity Distribution	864,266

Sub-Total	\$2,425,035
Less: Receipts from Recipient Agencies ..	864,266

Total Appropriation	\$1,560,769
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Salaries:

Officers and employees	(\$1,082,875)
Positions transferred from other subcategories	(57,392)
Materials and Supplies	(25,285)
Services Other Than Personal	(953,083)

Maintenance of Property:

Recurring	(3,250)
Non-recurring and replacements ..	(2,350)

Extraordinary:

Meat and Poultry Inspection (C24:16B-1 et seq.)	(300,000)
Additions and Improvements	(800)
<i>Less: Receipts from recipient agencies</i> ..	<i>(864,266)</i>

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, 1974 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, 1974, together with receipts, from the operation of Fruit and vegetable inspection are hereby appropriated.

The unexpended balances as of June 30, 1974 of receipts derived, pursuant to the provisions of Poultry Products Promotion Council (C54:47A-1), White Potato Industry Promotion Council (C54:47B-1), Asparagus Industry Promotion

Council (C54:47C-1), Apple Industry Promotion Council (C54:47D-1), Sweet Potato Commission (C54:47E-1) and New Jersey Horsebreeding and Development (C5:5-22 et seq.), 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, 1974 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 Support*

79110. Department Management and General Support Services	\$620,774
Total Appropriation	<u>\$620,774</u>

Salaries:

Secretary	(\$38,000)
Officers and employees	(361,888)
Positions transferred from other subcategories	(99,723)
Materials and Supplies	(14,950)
Services Other Than Personal	(94,313)

Maintenance of Property:

Recurring	(10,150)
Non-recurring and replacements ..	(1,750)
Total Appropriation, Department of Agriculture	<u><u>\$3,887,649*</u></u>

340. DEPARTMENT OF DEFENSE

*Protection Against Natural and Man-Made Hazards*13100. *National Guard and Civil Defense*

13110. National Guard Training, Operations and Administration	\$1,342,527
13120. Management of National Guard Installations	3,024,884
13130. Civil Defense Operations and Administration	800,274
Total Appropriation	<u>\$5,167,685</u>

Salaries:

Chief of Staff	(\$35,000)
Officers and employees	(3,457,397)
New positions	(11,692)
Materials and Supplies	(632,615)
Services Other Than Personal	(329,329)

Maintenance of Property:

Recurring	(141,600)
Non-recurring and replacements ..	(375,757)

Extraordinary:

Organization allowance	(5,000)
Emergency Operating Center	(1,000)
Governor's youth program	(59,000)
Hammonton Training School	(3,925)
State Agency for Federal Surplus Property	(87,915)
Emergency expenses	(1,000)
Compensation awards	(17,000)
Additions and Improvements	(9,455)

Total Appropriation, Department of Defense \$5,167,685

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, 1974 in the Emergency expenses account is hereby appropriated for the same purpose.

Such sums as may be necessary to carry out the provisions of C9-57.1 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.

The unexpended balance as of June 30, 1974 in the Revolving Fund—Mess Hall, Sea Girt and the receipts derived from the sale of meals are hereby appropriated for operating costs of the Sea Girt mess hall.

The amount hereinabove appropriated to the State Agency for Federal Surplus Property shall be payable out of receipts of such agency and any receipts from charges made to recipient agencies, in accordance with applicable regulations, in excess of the amount specifically appropriated, is hereby appropriated to defray additional costs of administration of the Federal Surplus Property Distribution 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, 1974 in the Revolving Fund for the distribution of Federal surplus property is hereby appropriated.

350. DEPARTMENT OF PUBLIC UTILITIES

*Regulation of Industry*14300. *Regulation of Public Utilities*

14310. Economic Regulation	\$505,423
14320. Service Adequacy and Safety	1,081,493
14330. Management and General Support	2,008,834
Total Appropriation	<hr/> \$3,595,750 <hr/>

Salaries:

President	(\$40,000)
Board members (2)	(76,000)
Officers and employees	(2,139,757)
New positions	(99,717)
Materials and Supplies	(41,100)
Services Other Than Personal	(262,751)

Maintenance of Property:

Recurring	(3,000)
Non-recurring and replacements ...	(2,250)

Extraordinary:

Expenses of the Office of Cable Tele- vision (PL 1972, c. 186)	(190,000)
Bus operators subsidy (PL 1972, c. 211)	(700,000)
Compensation awards	(4,000)
Additions and Improvements	(37,175)

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 C48:2-59 et seq. and PL 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 (PL 1972, c. 186) the annual salary of the Director, Office of Cable Television shall not exceed \$25,000.

The unexpended balance as of June 30, 1974 in the Bus operators subsidy account is hereby appropriated for the same purpose.

Education and Intellectual Development

34500. *Public Broadcasting*

34510. New Jersey Public Broadcasting Authority	\$3,316,529
34520. Debt Service	379,610
Total Appropriation	<hr/> \$3,696,139 <hr/>

Salaries:

Executive Director	(\$33,233)
Officers and employees	(1,459,485)
New positions	(132,256)
Materials and Supplies	(249,000)
Services Other Than Personal	(374,869)

Maintenance of Property:

Recurring	(147,426)
Non-recurring and replacements ...	(3,200)

Extraordinary:

Programming	(859,000)
Compensation awards	(300)
Promotional expense	(50,000)
Interest on Public Building Construction Bonds (PL 1968, c. 128) (	379,610)
Additions and Improvements	(7,760)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The unexpended balance as of June 30, 1974 in the revolving fund (PL 1972, c. 73) for the purpose of printing and purchasing publications and materials for sale, together with the receipts derived from such sales are hereby appropriated.

Receipts derived from the leasing of space on transmitter towers, and the unexpended balance of such receipts as of June 30, 1974 are hereby appropriated for the maintenance of such towers and transmission equipment or facilities; pro-

vided, 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, and the unexpended balance of such receipts as of June 30, 1974 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	\$7,291,889
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360. DEPARTMENT OF HEALTH

Personal Health

22100. *Chronic Illness*

22110. Alcoholism Control	\$158,469
22120. Chronic Renal Disease	868,887
22130. Other Chronic Diseases	517,682

Total Appropriation ..	\$1,545,038
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Salaries:

Officers and employees	(\$94,913)
Positions established from lump sum appropriation	(39,701)
Materials and Supplies	(6,800)
Services Other Than Personal	(163,624)

Extraordinary:

Chronic renal disease	(840,000)
Hemophilia	(150,000)
Juvenile terminal illness assistance ..	(250,000)

The unexpended balances as of June 30, 1974 in the Extraordinary accounts for Chronic renal disease and Hemophilia are hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1974 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*

22210. Parental and Child Health	\$312,141
Total Appropriation	<u>\$312,141</u>

Salaries:

Officers and employees	(\$124,439)
Positions established from lump sum appropriation	(8,657)
Materials and Supplies	(4,900)
Services Other Than Personal	(44,145)

Extraordinary:

Family planning services	(125,000)
Additions and Improvements	(5,000)

22300. *Communicable Diseases*

22310. Tuberculosis Control	\$351,122
22320. Venereal Disease Control	296,134
22330. Other Communicable Disease Control	266,179
Total Appropriation	<u>\$913,435</u>

Salaries:

Officers and employees	(\$486,337)
New positions	(51,466)
Positions established from lump sum appropriation	(29,852)
Materials and Supplies	(267,940)
Services Other Than Personal	(77,840)

*Community Health Programs**23100. Health Care Facilities Administration*

23110. Health Care Facilities Administration . . .	\$1,063,186
23120. Clinical Laboratory Improvement	140,365
Total Appropriation	<u>\$1,203,551</u>

Salaries:

Officers and employees	(\$871,111)
New positions	(5,314)
Positions established from lump sum appropriation	(53,161)
Materials and Supplies	(16,900)
Services Other Than Personal	(48,265)

Extraordinary:

Hospital cost determination services	(80,000)
Health care facilities certification augmentation	(85,000)
Management information system . .	(42,500)
Additions and Improvements	(1,300)

The loan to the New Jersey Health Care Facilities Financing Authority shall be repaid to the General State Fund as required (C26:2I-4) together with interest at 6% per annum, out of the proceeds of any obligations issued by the said Authority.

The unexpended balance as of June 30, 1974 in the revolving fund created for the purpose of providing management information to health agencies, and receipts derived from the sale of this management information, are hereby appropriated.

23200. Local Health Services

23210. Local Health Services	\$899,733
23220. Rabies Control	204,772
Total Appropriation	<u>\$1,104,505</u>

Salaries:

Officers and employees	(\$417,039)
Positions established from lump sum appropriation	(20,209)
Materials and Supplies	(75,350)
Services Other Than Personal	(38,407)

Extraordinary:

Planning and development of urban health services	(480,000)
Emergency medical, hospital and nursing services for migrant workers	(53,500)
Homemaker services	(20,000)

The unexpended balances as of June 30, 1974 in the Extraordinary accounts for Pilot training programs for mobile intensive care paramedics, and the Administration of the Health Maintenance Organizations Act are hereby appropriated for the same purposes.

The amount hereinabove include 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	\$3,459,642
23320. Therapeutic Residential School	434,865
23330. Control of Pharmaceutical and Cosmetic Preparations and Devices	281,919
23350. Interest on Public Building Construction Bonds (PL 1968, c. 128)	303,757
Total Appropriation	<u>\$4,480,183</u>

Salaries:

Officers and employees	(\$1,658,601)
Food in lieu of cash	(3,978)
New positions	(147,290)
Positions established from lump sum appropriation	(382,967)
Materials and Supplies	(167,300)
Services Other Than Personal	(491,010)
Maintenance of Property:	
Recurring	(2,900)

Extraordinary:

Drug Addiction Treatment, Neuro- psychiatric Institute	(550,000)
Drug Addiction Unit, Marlboro Psychiatric Hospital	(250,000)
Community Drug Program, Hudson County	(322,380)
Drug Addiction Treatment, College of Medicine and Dentistry of New Jersey, Newark	(125,000)
Chemotherapeutic research	(25,000)
Evaluation project	(50,000)
Interest on Public Building Con- struction Bonds (PL 1968, c. 128) (	303,757)

23400. *Consumer Health Services*

23410. Consumer Health Services	\$667,384
Total Appropriation	<u>\$667,384</u>

Salaries:

Officers and employees	(\$485,216)
New positions	(58,468)
Materials and Supplies	(13,300)
Services Other Than Personal	(60,400)

Extraordinary:

Urban rodent and insect control demonstration projects	(50,000)
The unexpended balance as of June 30, 1974 in the Youth camp safety account is hereby appro- priated for the same purpose.	

23500. *Comprehensive Health Planning*

23510. Comprehensive Health Planning	\$198,322
Total Appropriation	<u>\$198,322</u>

Salaries:

Officers and employees	(\$97,032)
Positions established from lump sum appropriation	(19,090)
Materials and Supplies	(200)
Services Other Than Personal	(2,000)

Extraordinary:

State support of areawide planning agencies	(80,000)
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The unexpended balance as of June 30, 1974 in the
Health planning development grant account is
hereby appropriated for the same purpose.

*Laboratory Support and Services*24100. *Supporting Laboratories Services*

24110. Laboratory Services	\$1,115,097
24120. Research and Development	25,000
Total Appropriation	<u>\$1,140,097</u>

Salaries:

Officers and employees	(\$705,014)
New positions	(17,750)
Positions established from lump sum appropriation	(119,433)
Materials and Supplies	(147,550)
Services Other Than Personal	(10,850)

Maintenance of Property:

Non-recurring and replacements	(30,000)
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Extraordinary:

Research and development	(25,000)
Serum hepatitis program	(34,500)
Expansion of state urine monitoring	(50,000)

*Special Programs, Department Management and
General Support Services*

29100. *Department Management and General Support Services*

29110. Office of the Commissioner	\$210,981
29120. Management and Fiscal Services	400,327
29130. General Administration	1,886,729
Total Appropriation	\$2,498,037

Salaries:

Commissioner	(\$38,000)
Officers and employees	(1,459,933)
New positions	(28,710)
Materials and Supplies	(60,650)
Services Other Than Personal	(819,105)

Maintenance of Property:

Recurring	(15,315)
Non-recurring and replacements...	(2,824)

Extraordinary:

Resident public health training for physicians	(63,500)
Compensation awards	(10,000)

29200. *Special Programs*

29220. Vital Statistics and Registration	\$280,329
Total Appropriation	\$280,329

Salaries:

Officers and employees	(\$271,084)
Materials and Supplies	(8,400)
Services Other Than Personal	(845)
Total Appropriation, Department of Health	\$14,343,022

The portion of the appropriation made to or on behalf of this Department, which represents General State funds, shall be expended on the several matching bases in proportion to anticipated Federal funds which are received or receivable.

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	\$3,411,873
52130.	Disability Insurance—Private Plan	1,539,138
52140.	Workmen's Compensation	2,444,757
52150.	Workmen's Compensation Second Injury Fund	300,756
Total Appropriation		<hr/> \$7,696,524 <hr/>

Salaries:

Officers and employees	(\$5,955,911)
New positions	(20,834)
Materials and Supplies	(101,000)
Services Other Than Personal	(1,061,519)

Maintenance of Property:

Recurring	(5,965)
Non-recurring and replacements...	(6,513)

Extraordinary:

Payments from Second Injury Fund to Workmen's Compensation and Department of Administration for Services	(95,000)
Compensation awards	(4,500)
Employees Retirement System	(228,594)
Social Security Tax	(145,728)
Employees' Health Benefits	(69,960)
Additions and Improvements	(1,000)

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 Programs; 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 RS 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, 1974 pursuant to RS 34:15-94.

52200. *Manpower Development and Employment Assistance*

52210. Work Incentive Program	\$300,000
52240. Vocational Rehabilitation Services	16,358,437
Total Appropriation	<u>\$16,658,437</u>

Salaries:

Officers and employees	(\$3,161,992)
New positions	(98,508)
Materials and Supplies	(40,000)
Services Other Than Personal	(417,267)

Maintenance of Property:

Recurring	(3,000)
Non-recurring and replacements	(1,200)

Extraordinary:

Work Incentive Program	(300,000)
Training Grants	(15,000)
Service to clients	(11,627,952)

Expansion Grants (State share) . . .	(200,000)
Research	(37,837)
Sheltered workshop support	(750,000)
Additions and Improvements	(5,681)

The unexpended balance as of June 30, 1974 in this account shall be appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

In addition to the appropriation hereinabove made in the Vocational Rehabilitation Services program element, recoveries of the State share of expenditures made in the fiscal year ending June 30, 1975 and those made in prior fiscal years are hereby appropriated.

The unexpended balance of State funds as of June 30, 1974 for the Vocational Rehabilitation section 2 program, is hereby appropriated to match Federal support beyond that now anticipated for fiscal year 1974-75.

The sum hereinabove for the Vocational Rehabilitation Services program element shall be available for the payment of bills applicable to prior years.

The portion of the appropriation made to or on behalf of Manpower Development and Employment Assistance subcategory 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.

*Occupational Safety and Health, Labor Standards
and Labor Relations*

54100. *Occupational Safety and Health*

54110. Protection of Employee Health and Safety	\$1,913,220
54120. Protection of Migrant Farm Workers	382,173
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Total Appropriation	\$2,295,393
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Salaries:

Officers and employees	(\$1,968,892)
New positions	(17,457)
Positions transferred from another subcategory	(20,531)
Materials and Supplies	(47,100)
Services Other Than Personal	(238,613)

Maintenance of Property:

Recurring	(2,600)
Additions and Improvements	(200)

The portion of the appropriation made to or on behalf of the Protection of Employee Health and Safety program 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	\$269,289
54220. Protection of Workers' Earnings and Working Conditions	1,035,250
Total Appropriation	\$1,304,539

Salaries:

Officers and employees	(\$1,128,661)
New positions	(7,798)
Materials and Supplies	(35,200)
Services Other Than Personal	(129,300)

Maintenance of Property:

Recurring	(1,350)
Non-recurring and replacements	(1,900)
Additions and Improvements	(330)

Such sums as may be necessary for payments out of the Wage and Hour Trust Fund established by C34:11-56a et seq. and the Prevailing Wage Act Trust Fund established by C34:11-56 et seq. are hereby appropriated.

54300. *Labor Relations*

54310. Public Sector	\$447,790
54320. Private Sector	216,837
Total Appropriation	<hr/> \$664,627 <hr/>

Salaries:

Board members (7)	(\$9,000)
Officers and employees	(519,954)
Materials and Supplies	(10,925)
Services Other Than Personal	(122,450)

Maintenance of Property:

Recurring	(900)
Non-recurring and replacements	(1,398)

*Departmental Management and Economic Development*59100. *Departmental Management and General Support*

59110. Departmental Management	\$458,140
59120. Planning and Research	177,131
Total Appropriation	<hr/> \$635,271 <hr/>

Salaries:

Commissioner	(\$38,000)
Officers and employees	(467,401)
Materials and Supplies	(14,800)
Services Other Than Personal	(112,320)

Maintenance of Property:

Recurring	(2,000)
Non-recurring and replacements	(500)
Additions and Improvements	(250)

The unexpended balance as of June 30, 1974 in the revolving fund created pursuant to PL 1967, c. 63 for the purpose of printing and reprinting literature, maps, Workmen's Compensation proceedings and other publications and printed matter 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, 1974, 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.

The Director of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

59200. *Economic Development*

59210. Expansion and Growth of Commerce and Industry	\$921,497
Total Appropriation	<hr/> \$921,497 <hr/>

Salaries:

Officers and employees	(\$326,692)
Materials and Supplies	(9,400)
Services Other Than Personal	(83,405)

Maintenance of Property:

Recurring	(800)
Non-recurring and replacements ...	(1,200)

Extraordinary:

Economic development assistance ..	(100,000)
Promotional expense	(400,000)

The unexpended balance as of June 30, 1974 in the Economic development assistance and Promotional expense accounts are hereby appropriated for the same purposes.

The unexpended balance not to exceed \$200,000 as of June 30, 1974 in the State Office World Trade Center account is hereby appropriated for trade promotion purposes.

Total Appropriation, Department of Labor and Industry	\$30,176,288
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400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Environmental Management*41300. *Resource Management*

41310. Water Supply Management	\$1,163,544*
41320. Forest Resource Management	1,578,798
41330. Marine Lands Management	535,971
41340. Solid Waste Management	296,361
41350. Shellfish Resource and Development	163,801
41360. Geology-Topography	281,694
41370. Wildlife and Fisheries Management:	
Hunters' and Anglers' License Fund ...	2,487,662
Public Shooting and Fishing Grounds Fund	944,888
Protection of Endangered and Non-Game Wildlife Species	70,000
Total Appropriation	\$7,522,719*

Salaries:

Officers and employees	(\$4,135,317)
New positions	(182,643)
Positions transferred from another subcategory	(74,304)
Positions established in lieu of appropriated revenue	(325,996)
Positions established from lump sum appropriation	(53,950)
Materials and Supplies	(745,780)
Services Other Than Personal	(319,522)

Maintenance of Property:

Recurring	(156,050)
Non-recurring and replacements ..	(395,157)

Extraordinary:

Office of Rivermaster (State share) .	(22,000)
Groundwater exploratory program .	(143,500)
Stream gauging stations	(75,300)
Flood plain zoning and warning service	(17,600)
Surface water diversion	(13,650)
Flood plain control	(100,000)
Interim flood plain delineation . . .	(100,000)
Survey of Jacobs Creek watershed *	
Gypsy moth control on State-owned lands	(50,000)
Fire fighting costs	(150,000)
Compensation awards	(7,500)
Expenses of the Natural Resource Council	(25,000)
Coastal biological research program	(60,000)
Oyster seed bed monitoring	(20,000)
Shelling and seeding beds contingent upon an equal sum being pro- vided by the Federal government .	(53,000)
Disease resistant oyster program . .	(6,250)
Deer management	(15,000)
Surface water quality program . . .	(5,500)
Delaware River Basin study	(12,500)
Dike maintenance	(4,500)
Atlantic flyway	(2,060)
Oak mast research	(6,000)
Wildlife management area use study	(18,000)
Brant study	(5,500)
Deer data analysis	(2,000)
Protection of endangered and non- game wildlife species	(70,000)
Additions and Improvements	(149,140)

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 (C58:22-10); 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 C58:22-10.

The unexpended balances as of June 30, 1974 in the Flood plain control and Fire fighting costs accounts are hereby appropriated for the same purposes.

The unexpended balances as of June 30, 1974 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 for delineation and title determination of the State riparian lands a sum not to exceed \$1,500,000 out of revenue derived from the sales, grants, leases and rentals of State riparian lands; 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, 1974 in the revolving fund created (PL 1972, c.73) for the purpose of providing outside appraisals for conveyances of riparian properties within the Hackensack Meadowland District, and 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 (C50:3-20.10 et seq.).

The unexpended balances as of June 30, 1974 in the revolving funds created (PL 1959, c.106 and PL 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 (RS 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, 1974 in the Protection of endangered and non-game wildlife species account is hereby appropriated for the same purpose.

41400. *Pollution Control*

41410. Air Pollution	\$2,611,592
41420. Radiation Protection	467,882
41430. Pesticide Control	75,000
41440. Water Quality	2,265,044
41450. Noise Control	84,500
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Total Appropriation	\$5,504,018
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Salaries:

Officers and employees	(\$3,592,823)
New positions	(231,470)
Positions established in lieu of appropriated revenue	(311,345)
Materials and Supplies	(234,250)
Services Other Than Personal	(266,280)

Maintenance of Property:

Recurring	(140,350)
Non-recurring and replacements...	(69,000)

Extraordinary:

Clean air scholarship intern program	(36,000)
Atomic Energy Commission enforcement program contingent upon an agreement with the Federal government to transfer fee collection and inspection functions(	47,350)
Pesticide regulation	(75,000)
Laboratory services	(250,000)
Temperature of surface water	(5,000)
Clean water scholarship intern program	(36,000)
Water quality monitoring	(30,000)
Time of travel studies	(5,000)
Water quality investigation	(21,000)
Oxygen resource studies	(3,000)
Sediment pollution studies	(2,000)
Noise Control Council	(84,500)
Additions and Improvements	(63,650)

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 \$550,000 for costs attributable to planning, engineering, developing and constructing regional waste water treatment plants.

*Recreation Management**46100. Recreation Opportunities*

46110. Parks Management	\$5,213,608
46120. Recreational Boating	1,247,342
46120. Boat Regulation Commission	801,220
46130. Marina Operations	271,307
Total Appropriation	<hr/> \$7,533,477 <hr/>

Salaries:

Officers and employees	(\$ 4,690,568)
New positions	(29,429)
Materials and Supplies	(700,850)
Services Other Than Personal	(450,780)

Maintenance of Property:

Recurring	(408,200)
Non-recurring and replacements...	(582,550)

Extraordinary:

Maintenance, Old Barracks, Trenton (State Share)	(40,000)
Construction, maintenance, improve- ment and dredging of inland waterways; bulkheading and dredging at State marinas; and dredging State-controlled lakes ..	(500,000)
Compensation awards	(15,000)
Additions and Improvements	(116,100)

The amount herein above 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, 1974 in the revolving fund (PL 1967, c. 63) for the purchase of merchandise for sale, and 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 (C12:7-34.36 et seq.), and any amount remaining therein be 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, 1974 in the Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas; and dredging State-controlled lakes account is hereby appropriated for the same purpose.

Management and General Support

49100. *Department Management*

49110. Department Management and Administrative Services	\$2,494,735
49120. Program Management	902,199*
49130. Debt Service—Interest on Bonds	8,810,494
Total Appropriation	<u>\$12,207,428*</u>

Salaries:

Commissioner	(\$38,000)
Officers and employees	(1,064,719)
New positions	(110,836)
Positions transferred from other subcategories	(67,681)
Positions transferred from another Department	(55,127)
Materials and Supplies	(24,250)
Services Other Than Personal	(981,971)

Maintenance of Property:

Recurring	(4,200)
Non-recurring and replacements	(2,000)

Extraordinary:

Youth Conservation and recreational projects	(600,000)
Environmental Design Programs	(200,000)
Board of New Jersey Pilot Commissioners	(40,400)
Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes (C58:21A-1 et seq., C58:21B-1	

et seq. and PL 1971, c. 165)	(100,000)
Compensation awards	(3,750)
Summer intern program	(100,000)
State contribution to the Cohanzyck Free Public Zoo in Bridgeton . . *	
Interest on Water Development Bonds (PL 1958, c. 35)	(924,500)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(1,037,200)
Interest on Water Conservation Bonds (PL 1969, c. 127)	(4,367,294)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	(2,481,500)
Additions and Improvements	(4,000)

The unexpended balance as of June 30, 1974 in the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes account is hereby appropriated for the same purpose.

Receipts derived from the rental of property acquired pursuant to C58:21A-1 et seq., and C58:21B-1 et seq., and PL 1971, c. 165 are hereby appropriated for payments in lieu of taxes on such properties and for the maintenance of such properties; provided, however, 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 expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

49200. *South Jersey Port Corporation*

49210. South Jersey Port Corporation	\$2,230,365
Total Appropriation	<u>\$2,230,365</u>

Extraordinary:

Debt Service Reserve Fund requirement (C12:11A-14)	(\$687,900)
Property Tax Reserve Fund requirement (C12:11A-20)	(686,600)
To discharge the obligations of the South Jersey Port Commission assumed by the State and owing to the City of Camden (C12:11A-1 et seq.)	(855,865)

49300. *Pinelands Environmental Council*

49310. Pinelands Environmental Council	\$47,500
Total Appropriation	<u>\$47,500</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	(\$47,500)
Total Appropriation, Department of Environmental Protection	<u>\$35,045,507*</u>

500. DEPARTMENT OF EDUCATION

*General Assistance for Public and Non-Public Education*31100. *Financial Assistance to Local School Districts*

31104. School Building Aid	\$226,551
31105. Pupil Transportation	18,382
31109. Early Childhood Program	17,140

31111. Adult and Continuing Education	50,002
31113. Innovative Projects	400,000
Total Appropriation	<hr/> \$712,075 <hr/>

Salaries:

Officers and employees	(\$287,860)
Position transferred from another account	(6,152)
Materials and Supplies	(2,912)
Services Other Than Personal	(15,151)

Extraordinary:

Innovative educational grants	(400,000)
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The unexpended balance as of June 30, 1974 in the Inspection of school construction account and the receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1974 in the General education development test and the Adult basic education film accounts and the receipts derived therefrom, are hereby appropriated as revolving funds.

31200. General Assistance Programs for Public Schools

31210. Curriculum Services	\$370,575
31220. Teacher Education and Certification	370,387
31240. Educational Improvement Center	250,000
31250. County Superintendents' Offices	1,477,024
31260. Resolution of School Controversies and Disputes	276,278
31270. Drug Control Programs	100,000
31280. Equal Educational Opportunity Programs	86,699
31290. Aid for Equipment	173,983
Total Appropriation	<hr/> \$3,104,946 <hr/>

Salaries:

County superintendents	(\$587,785)
Officers and employees	(1,645,914)
New positions	(30,100)

Positions transferred from another subcategory	(6,152)
Materials and Supplies	(16,483)
Services Other Than Personal	(162,959)

Extraordinary:

Teacher certification performance evaluation	(90,000)
Teacher certification college approval	(5,000)
Drug control programs relating to education	(100,000)
NDEA (State share)	(150,000)
Community Relations	(37,273)
Minority Staffing	(23,280)
Regional Educational Improvement Center	(250,000)

The unexpended balance as of June 30, 1974 in the revolving fund (PL 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 for the same purpose.

*Programs for Specific Groups and Limited Purposes**32100. Programs for the Disadvantaged and Handicapped*

32110. Programs for the Disadvantaged and Handicapped	\$371,584
32120. Model Cities	200,354
32140. Urban Education Corps	163,869
Total Appropriation	<hr/> \$735,807 <hr/>

Salaries:

Officers and employees	(\$561,197)
Materials and Supplies	(4,160)
Services Other Than Personal	(20,450)

Extraordinary:

Model Cities	(100,000)
Urban Education Corps	(50,000)

The unexpended balance as of June 30, 1974 in the Services for the deaf account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1974 in the Operation of regional day school centers account, and the 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	\$930,934
32560. Project COED	1,116,680
 Total Appropriation	 \$2,047,614

Salaries:

Officers and employees	(\$534,067)
New positions	(723,486)
Materials and Supplies	(250,968)
Services Other Than Personal	(104,643)

Maintenance of Property:

Recurring	(18,900)
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Extraordinary:

Vocational Teacher Training	(65,000)
Teacher Training	(340,000)
Additions and Improvements	(10,550)

Direct Public Services

34100. Programs for the Deaf

34110. Marie H. Katzenbach School for the Deaf ..	\$3,471,711
 Total Appropriation	 \$3,471,711

Salaries:

Officers and employees	(\$2,744,630)
Food in lieu of cash	(20,931)
New position	(7,478)

Materials and Supplies	(303,600)
Services Other Than Personal	(67,672)
Maintenance of Property:	
Recurring	(37,400)
Non-recurring and replacements ..	(78,000)
Extraordinary:	
Travel expenses for students, pur-	
suant to PL 1973, c. 311	(210,000)
Compensation awards	(2,000)

34200. *Programs for the State Library and Historical Commission*

34210. State Library and Historical Commission . \$1,769,795

Total Appropriation \$1,769,795

Salaries:

Officers and employees	(\$1,069,827)
New positions	(22,476)
Materials and Supplies	(210,050)
Services Other Than Personal	(97,975)

Maintenance of Property:

Recurring	(825)
Non-recurring and replacements ..	(4,608)

Extraordinary:

To improve information support	
services	(70,510)
Senator James F. Murray, Jr.,	
Historian Fund	(40,000)
New Jersey Historical Commission	(250,000)
Additions and Improvements	(3,524)

The unexpended balances as of June 30, 1974 in the Photocopy services, Microfilm program, New Jersey Historical Commission and New Jersey Bicentennial Celebration accounts, and any receipts derived therefor, are hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1974 in the Record storage facility account is hereby appropriated for the same purpose.

34300. *Programs for the State Museum and New Jersey School of the Arts*

34310. State Museum and New Jersey School of the Arts	\$1,192,647
Total Appropriation	<u>\$1,192,647</u>

Salaries:

Officers and employees	(\$861,021)
New position	(8,657)
Materials and Supplies	(63,100)
Services Other Than Personal	(82,169)

Maintenance of Property:

Recurring	(9,600)
Non-recurring and replacements ..	(10,100)

Extraordinary:

Magic Muse operation	(43,500)
Acquisition of art and historical objects	(100,000)
Scientific research	(8,000)
Additions and Improvements	(6,500)

The unexpended balance as of June 30, 1974 in the Revolving fund—Museum shop, created for the purpose of printing literature and maps for sale and for purchase of merchandise for sale and the receipts derived from such sales, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1974 in the Revolving fund—Films, and the 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	\$755,665
39130. Planning, Evaluation, Research and Program Development	2,144,543
Total Appropriation	<u>\$2,900,208</u>

Salaries:

Commissioner	(\$38,000)
Officers and employees	(779,376)
New position	(10,000)
Position transferred from another subcategory	(24,884)
Materials and Supplies	(16,400)
Services Other Than Personal	(99,484)

Extraordinary:

Teen arts festival	(15,000)
Learning institutes	(400,000)
Our schools	(25,000)
Statewide testing	(747,470)
Environmental education	(173,375)
Technology for children	(122,319)
Center for Consumer Education Services	(75,000)
In-service training for high school teachers in the role of Negroes in American history	(75,000)
Extended school year	(33,900)
State Board of Education expenses	(15,000)
Bi-lingual education pilot project	(250,000)

The sum provided hereinabove for the Bi-lingual education pilot project shall be supplemented by transfers of \$120,000 from within the Department of Education accounts for the establishment of a program of bi-lingual education through three pilot school projects to be located one each in a northern urban area, a semi-rural area and a southern rural area subject to the enactment of S811 or similar legislation; provided, however,

that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

39200. *General Support*

39210. Other General Support \$1,037,411

Total Appropriation \$1,037,411

Salaries:

Officers and employees (\$667,585)

New positions (14,956)

Positions transferred from another
subcategory (10,881)

Positions established from lump sum
appropriation (32,000)

Materials and Supplies (19,531)

Services Other Than Personal (279,924)

Maintenance of Property:

Recurring (10,235)

Non-recurring and replacements... (1,224)

Additions and Improvements (1,075)

The unexpended balance as of June 30, 1974 in the revolving fund for printing and purchasing school law decisions and other publications and printed materials, and the receipts derived from the sale of such items, are hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1974 in the Revolving fund—school election recount account, and the receipts derived therefrom, are hereby appropriated.

The unexpended balance as of June 30, 1974 in the Relocation expenses account is hereby appropriated for the same purpose.

Total Appropriation, Department of Education \$16,972,214

DEPARTMENT OF HIGHER EDUCATION

39000. *Department Management and General Support*

39110. Administration	\$14,065,796
39210. Interest on Bonds	11,584,136
39910. New Jersey Educational Opportunity Fund	16,322,266
39920. Scholarships and Loans	19,689,183
Total Appropriation	<u>\$61,661,381</u>

Salaries:

Chancellor	(\$38,000)
Officers and employees	(1,680,786)
New positions	(113,025)
Materials and Supplies	(83,750)
Services Other Than Personal	(463,749)

Maintenance of Property:

Recurring	(3,410)
Non-recurring and replacements	(4,700)

Extraordinary:

Board of Higher Education Expenses	(5,000)
Computer network planning and implementation	(450,000)
Council for Higher Education in Newark	(130,000)
Research and development program	(600,000)
Veterinary medicine education program	(100,000)
College information system and higher education management system	(200,000)
Central library computerized processing center	(100,000)
Thomas A. Edison College	(250,000)
Enrollment Adjustment Revolving Fund	(500,000)
Aid to independent colleges and universities	(8,475,000)
Schools of professional nursing	(1,860,000)

Medical college faculty utilization study	(40,000)
Interest on Public Building Construction Bonds (PL 1968, c. 128) ..	(7,871,374)
Interest on State Higher Education Bonds (PL 1969, c. 10)	(119,000)
Interest on State Higher Education Construction Bonds (PL 1964, c. 142)	(1,059,200)
Interest on Higher Education Building Construction Bonds (PL 1971, c. 164)	(2,534,562)
Educational Opportunity Fund:	
Board expenses	(1,575)
Opportunity grants	(12,550,000)
Supplementary education program grants	(3,501,000)
Scholarships and Student Loans:	
Scholarships	(7,000,000)
Incentive grants	(2,000,000)
Tuition aid grants	(4,000,000)
County college graduate scholarships	(350,000)
Edwin Aldrin Scholarship Fund ..	(50,000)
Extraordinary student aid	(1,500,000)
Integrated data base	(16,000)
For Tuition reimbursement to Vietnam Veterans subject to enactment of A-93 or similar legislation ..	(4,000,000)
Additions and Improvements	(11,250)

The unexpended balances as of June 30, 1974 in the Veterinary medicine education program, Research and development program, New computer program development and Edwin Aldrin Scholarship Fund accounts are hereby appropriated for the same purposes.

Receipts from fees charged by the Thomas A. Edison College are hereby appropriated for operational expenses of the College.

Moneys appropriated to the Enrollment Adjustment Fund are hereby allocated to Rutgers, The State University, Newark College of Engineering, and the State Colleges, to the extent that actual weighted enrollments at each institution respectively, exceed anticipated weighted enrollments of full-time and part-time students. Such allocations are to be made in accordance with the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting, which procedure shall conform to and be consistent with the equivalent credit hour system as defined by the Board of Higher Education Resolution dated December 15, 1972.

Notwithstanding the provisions of NJSA 52:34-6, the amounts hereinabove set forth for the Department of Higher Education may be expended for the purchase of contract services from the State-wide Higher Education Computing Network (Educational Information Services, Inc.), and from the Higher Education Central Library Processing Center (CAPTAIN Library Services Corporation), as if they were State government agencies, in accordance with the provisions of 52:34-10(a).

An amount not to exceed \$50,000 in the Aid to independent colleges and universities account is hereby available for administrative expenses; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Extraordinary student aid shall be allocated 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.

The unexpended balance not to exceed \$1,200,000 as of June 30, 1974 in the Aid to students due to tuition increase account is hereby appropriated.

All expenditures for data processing services, equipment and software from sources other than the Statewide Higher Education computer network (Educational Information Services) shall be subject to approval by the Director of the Division of Budget and Accounting.

Of the sums appropriated to the Department of Higher Education an amount of \$50,000 shall be transferred to supplement the Bi-lingual education pilot project in the Department of Education, through the establishment of three pilot teacher training programs at State colleges, subject to the enactment of S811 or similar legislation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

33000. *Higher Education Institutional Programs*

550-100. *Glassboro State College*

33110. Instruction	\$8,990,108
33130. Extension and Public Service	836,400
33240. Auxiliary Services	1,105,637
33950. Academic Support	931,055
33960. Student Services	1,416,882
33970. Institutional Support	3,163,313*
Total Appropriation	<u>\$16,443,395*</u>

Salaries:

Officers and employees	(\$11,308,049)
New positions	(486,247)
Student aides	(160,000)
Materials and Supplies	(1,031,460)
Services Other Than Personal	(807,972)*

Maintenance of Property:	
Recurring	(137,769)
Non-recurring and replacements ...	(77,400)
Extraordinary:	
NDEA student loan program (State share)	(28,224)
College work-study program (State share)	(120,159)
Outdoor laboratory experiences	(23,500)
Student center support	(82,350)
Extension and public service	(836,400)
Auxiliary services	(1,105,637)
Additions and Improvements	(238,228)

551-100. *Jersey City State College*

33110. Instruction	\$7,812,202
33130. Extension and Public Service	361,140
33240. Auxiliary Services	127,900
33950. Academic Support	646,382
33960. Student Services	1,036,461
33970. Institutional Support	2,924,822
<hr/>	
Total Appropriation	\$12,908,907
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Salaries:	
Officers and employees	(\$9,580,258)
New positions	(91,096)
Student aides	(100,000)
Materials and Supplies	(889,570)
Services Other Than Personal	(546,758)
Maintenance of Property:	
Recurring	(100,275)
Non-recurring and replacements ...	(93,587)
Extraordinary:	
A. Harry Moore Laboratory School .	(565,000)
NDEA student loan fund (State share)	(20,000)
College work-study program (State share)	(75,000)
Student center support	(67,410)

Extension and public service	(361,140)
Auxiliary services	(127,900)
Additions and Improvements	(290,913)

All tuition and other receipts from the operation of A. Harry Moore Laboratory School of Jersey City State College 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. *Kean College of New Jersey*

33110. Instruction	\$8,789,096
33130. Extension and Public Service	498,210
33240. Auxiliary Services	300,000
33950. Academic Support	1,034,318
33960. Student Services	1,519,069
33970. Institutional Support	3,719,630
Total Appropriation	\$15,860,323

Salaries:

Officers and employees	(\$11,782,151)
New positions	(326,881)
Student aides	(200,000)
Materials and Supplies	(1,124,055)
Services Other Than Personal	(832,271)

Maintenance of Property:

Recurring	(143,415)
Non-recurring and replacements...	(176,987)

Extraordinary:

Student center support	(89,400)
NDEA student loan fund (State share)	(24,000)
College work-study program (State share)	(42,000)
Extension and public service	(498,210)
Auxiliary services	(300,000)
Additions and Improvements	(320,953)

553-100. *The William Paterson College of New Jersey*

33110.	Instruction	\$9,528,178
33130.	Extension and Public Service	390,000
33240.	Auxiliary Services	355,000
33950.	Academic Support	790,222
33960.	Student Services	1,234,384
33970.	Institutional Support	4,034,236
Total Appropriation		<u>\$16,332,020</u>

Salaries:

Officers and employees	(\$11,860,914)
New positions	(429,313)
Student aides	(175,000)
Materials and Supplies	(954,817)
Services Other Than Personal	(601,845)

Maintenance of Property:

Recurring	(93,782)
Non-recurring and replacements ..	(498,535)

Extraordinary:

Student center support	(89,090)
NDEA student loan fund (State share)	(20,000)
College work-study program (State share)	(87,500)
Extension and public service	(390,000)
Auxiliary services	(355,000)
Additions and Improvements	(776,224)

554-100. *Montclair State College*

33110.	Instruction	\$11,649,614
33130.	Extension and Public Service	958,775
33240.	Auxiliary Services	490,768
33950.	Academic Support	1,066,453
33960.	Student Services	1,695,248
33970.	Institutional Support	4,236,602
Total Appropriation		<u>\$20,097,460</u>

Salaries:

Officers and employees	(\$14,253,082)
New positions	(108,177)
Student aides	(375,000)
Materials and Supplies	(1,457,644)
Services Other Than Personal	(831,292)

Maintenance of Property:

Recurring	(213,670)
Non-recurring and replacements ..	(253,691)

Extraordinary:

Student center support	(107,500)
NDEA student loan fund (State share)	(33,579)
College work-study program (State share)	(30,960)
New Jersey State School of Conservation	(379,000)
Extension and public service	(958,775)
Auxiliary services	(490,768)
Additions and Improvements	(604,322)

Of the amount hereinabove in the New Jersey State School of Conservation account, the sum of \$329,000 shall be payable out of receipts derived from the operation of this school, and receipts in excess of the amount hereinabove specifically set forth and the unexpended balance of such receipts as of June 30, 1974 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	\$9,278,893
33130. Extension and Public Service	581,750
33240. Auxiliary Services	1,780,668
33950. Academic Support	839,959
33960. Student Services	1,436,591
33970. Institutional Support	3,666,738
Total Appropriation	<hr/> \$17,584,599 <hr/>

Salaries:

Officers and employees	(\$11,685,484)
New positions	(119,558)
Student aides	(215,690)
Materials and Supplies	(1,087,255)
Services Other Than Personal	(710,632)

Maintenance of Property:

Recurring	(121,363)
Non-recurring and replacements ..	(218,157)

Extraordinary:

Fire detection and alarm	(36,000)
Student center support	(80,750)
NDEA student loan fund (State share)	(40,500)
College work-study program (State share)	(6,000)
Nursing loan and scholarship program	(5,500)
Demonstration school service	(210,000)
Child study and demonstration center	(100,000)
Extension and public service	(581,750)
Auxiliary services	(1,780,668)
Additions and Improvements	(585,292)

556-100. Ramapo College of New Jersey

33110. Instruction	\$3,563,495
33130. Extension and Public Service	128,000
33240. Auxiliary Services	238,000
33950. Academic Support	667,636
33960. Student Services	686,024
33970. Institutional Support	1,986,049
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Total Appropriation	\$7,269,204
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Salaries:

Officers and employees	(\$4,413,793)
New positions	(592,448)
Student aides	(115,000)
Materials and Supplies	(625,132)
Services Other Than Personal	(367,608)

Maintenance of Property:

Recurring	(107,616)
Non-recurring and replacements ..	(82,357)

Extraordinary:

Student center support	(33,000)
NDEA student loan fund (State share)	(37,000)
College work-study program (State share)	(60,563)
Extension and public service	(128,000)
Auxiliary services	(238,000)
Additions and improvements	(468,687)

557-100. Richard Stockton State College

33110. Instruction	\$3,218,662
33130. Extension and Public Service	100,278
33240. Auxiliary Services	266,074
33950. Academic Support	687,321
33960. Student Services	681,874
33970. Institutional Support	2,273,153

Total Appropriation	<u>\$7,227,362</u>
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Salaries:

Officers and employees	(\$4,477,255)
New positions	(394,201)
Student aides	(116,583)
Materials and Supplies	(888,808)
Services Other Than Personal	(371,642)

Maintenance of Property:

Recurring	(73,003)
Non-recurring and replacements ..	(29,393)

Extraordinary:

Student center support	(30,000)
NDEA student loan fund (State share)	(14,500)
College work-study program (State share)	(30,000)
Extension and public service	(100,278)
Auxiliary services	(266,074)
Additions and Improvements	(435,625)

The amounts appropriated to the various State colleges for Student aides shall constitute the appropriation to carry out the provisions of NJS 18A:64-17; provided, however, that payment for the value of work performed by students may be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

The unexpended balances as of June 30, 1974 in the Student service charges and Parking fees accounts, and the receipts therefor, at all State Colleges, are hereby appropriated.

Funds for the operation of the Extension and public service program are hereby appropriated out of the receipts derived therefrom, and all receipts in excess of those anticipated, and the unexpended balances as of June 30, 1974 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 and the unexpended balance as of June 30, 1974 are hereby appropriated as provided by NJS 18A:64-18, as amended.

With respect to the transfer of funds between items of appropriation as provided in C52:27B-28 and section 3 of the annual appropriations 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.

Receipts in excess of those anticipated from the operation of cafeterias and boarding halls are hereby appropriated.

Notwithstanding the provisions of NJSA 52:34-6, the amounts hereinabove set forth for the State Colleges may be expended for the purchase of contract services from the Statewide Higher Education Computing Network (Educational Information Services, Inc.), and from the Higher Education Central Library Processing Center (CAPTAIN Library Services Corporation), as if they were State government agencies, in accordance with the provisions of 52:34-10(a).

In the event that the actual full-time and part-time enrollment at each respective State College, exclusive of enrollments in the Extension and public service program, differs from the "Budget Estimate FY 1975", the Director of the Division of Budget and Accounting shall adjust (increase or decrease) the appropriation to each such State College by transfer to or from the Enrollment Adjustment Revolving Fund established within the appropriation for Department Management and General Support in the Department of Higher Education. All such adjustments shall be made in accordance within the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting, which procedure shall conform to and be consistent with the equivalent credit hour system as defined by the Board of Higher Education resolution dated December 15, 1972.

Rutgers, The State University

570-100. *General University **

33110. Instruction	\$53,730,464
33120. Sponsored Research and other Sponsored Programs	2,513,808
33130. Extension and Public Service	2,549,854

33240. Auxiliary Services	17,628,281
33950. Academic Support	5,417,240
33960. Student Services	9,192,113
33970. Institutional Support	27,495,776
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Sub-Total, General Operations	\$118,527,536
Special Funds expense	22,500,000
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Total All Operations	\$141,027,536
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<i>Less:</i>	
General services income	\$28,604,604
Special Funds income	22,500,000
Auxiliary Services income	17,628,281
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Total Income Deductions	\$68,732,885
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Appropriation, Exclusive of Land	
Grant Interest	\$72,288,851
Land Grant Interest	5,800
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Sub-Total Appropriation, General University	\$72,294,651
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Salaries:	
Officers and employees	(\$75,758,472)
New positions	(2,021,324)
Student assistants	(367,844)
Materials and Supplies	(8,137,039)
Services Other Than Personal	(6,551,097)
Maintenance of Property:	
Recurring	(1,533,001)
Non-recurring and replacements ...	(737,709)
Extraordinary:	
Research grants	(275,000)
Marine science consortium	(120,000)
Major renovations	(100,000)
Retirement allowances	(490,000)
Interest	(36,500)
Contingent fund	(105,000)
Graduate and Law School fellow- ships	(64,000)
Student aid	(2,043,438)

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 C34:13A	(50,000)
Special projects	(1,250,000)
Additions and Improvements	(1,008,831)
Special Funds expense	(22,500,000)
Auxiliary Funds expense	(17,628,281)

Less:

<i>General Services income</i>	(28,604,604)
<i>Special Funds income</i>	(22,500,000)
<i>Auxiliary Services income</i>	(17,628,281)

In the event that the actual full-time and part-time enrollment, exclusive of enrollments in the Extension and public service program, differs from the "Budget Estimate FY 1975," the Director of the Division of Budget and Accounting shall adjust (increase or decrease) the appropriation by transfer to or from the Enrollment Adjustment Revolving Fund established within the appropriation for Department Management and General Support in the Department of Higher Education. All such adjustments shall be made in accordance with the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting, which procedure shall conform to and be consistent with the equivalent credit hour system as defined by the Board of Higher Education resolution dated December 15, 1972.

Of the amount provided hereinabove for Rutgers, The State University, a sum shall be used for the adequate operation of Evening Law Schools at the Newark and Camden campuses subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

572-100. *Agricultural Experiment Station*

33110.	Separately Budgeted Research	\$5,103,824
33120.	Sponsored Research and Other Sponsored Programs	2,081,032
33130.	Extension and Public Service	2,753,987
33950.	Academic Support	24,282
33970.	Institutional Support	877,000
Sub-Total General Operations		\$10,840,125
Special Funds expense		2,300,000
Total All Operations		\$13,140,125
<i>Less:</i>		
	<i>General Services income</i>	\$2,116,032
	<i>Special Funds income</i>	2,300,000
<i>Total Income Deductions</i>		4,416,032
Sub-Total Appropriation, Agricultural Experiment Station		\$8,724,093

Salaries:

Officers and employees	(\$9,048,996)
Student wages	(108,485)
Materials and Supplies	(706,349)
Services Other Than Personal	(419,170)

Maintenance of Property:

Recurring	(182,583)
Non-recurring and replacements ...	(170,186)

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)
Additions and Improvements	(94,356)
Special Funds expense	(2,300,000)

Less:

<i>General Services income</i>	(2,116,032)	
<i>Special Funds income</i>	(2,300,000)	
Total Appropriation, Rutgers, The State University		\$81,018,744

573. *College of Medicine and Dentistry of New Jersey*573-100. *Central Administration*

33970. Institutional Support	\$966,733	
Sub-Total Appropriation, Central Administration		\$966,733

573-101. *New Jersey Medical School—Newark*

33110. Instruction	\$7,944,509	
33120. Organized Research	6,206,483	
33130. Extension and Public Service—Newark Community Mental Health Center	1,989,212	
33240. Auxiliary Services	204,224	
33950. Academic Support	457,679	
33960. Student Services	184,133	
33970. Institutional Support	2,591,732	
Sub-Total Appropriation, All Operations ..		\$19,577,972

Less:

<i>General Services income</i>	\$1,083,250	
<i>Special Services income</i>	6,127,733	
<i>Auxiliary Services income</i>	204,224	
<i>Newark Community Mental Health Center</i>	1,989,212	
Total Income Deductions		9,404,419
Sub-Total Appropriation, New Jersey Medical School—Newark		\$10,173,553

573-102. *Rutgers Medical School*

33110.	Instruction	\$6,722,910
33120.	Organized Research	1,180,200
33130.	Extension and Public Service—Rutgers Community Health Center	4,435,427
33950.	Academic Support	126,000
33960.	Student Services	104,633
33970.	Institutional Support	2,778,118

Sub-Total Appropriation, All Operations . . .	\$15,347,288
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Less:

<i>General Services income</i>	\$378,600
<i>Special Services income</i>	1,366,600
<i>Community Mental Health Center</i> . . .	4,435,427

<i>Total Income Deductions</i>	6,180,627
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Sub-Total Appropriation, Rutgers Medical School	\$9,166,661
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573-103. *College-wide Programs*

33110.	Instruction	\$904,003
33120.	Organized Research	351,744
33960.	Student Services	134,928
33970.	Institutional Support	1,485,037

Sub-Total Appropriation, College-wide Pro- grams	\$2,875,712
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573-104. *New Jersey Dental School—Newark*

33110.	Instruction	\$3,809,998
33120.	Organized Research	538,795
33970.	Institutional Support	768,247

Sub-Total All Operations, New Jersey Dental School—Newark	\$5,117,040
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Less:

<i>General Services income</i>	\$559,999
<i>Special Services income</i>	538,795

<i>Total Income Deductions</i>	1,098,794
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Sub-Total Appropriation, New Jersey Dental School—Newark	\$4,018,246
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573-105. *Martland Hospital—Newark*

33130. Extension and Public Service

Nursing Service	\$9,357,754
Outpatient Service	1,335,335
Other Professional Service	11,364,994
General Service	5,059,804
Administration	3,297,595

Sub-Total Appropriation	\$30,415,482
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Less:

<i>Hospital Services Income</i>	\$15,039,751
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<i>Total Income Deductions</i> ..	15,039,751
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Sub-Total Appropriation, Martland Hospital—Newark	\$15,375,731
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573-106. *Raritan Valley Hospital*

33130. Extension and Public Service

Nursing Service	\$1,614,137
Outpatient Service	136,377
Other Professional Service	2,333,983
General Service	1,536,097
Administration	1,236,987

Sub-Total Appropriation	\$6,857,581
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Less:

<i>Hospital Services Income</i>	\$5,408,766
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<i>Total Income Deductions</i>	5,408,766
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Sub-Total Appropriation, Raritan Valley Hospital	\$1,448,815
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573-107. *Graduate School of Bio-Medical Sciences*

33130. Instruction	\$230,985
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Sub-Total Appropriation, All Operations ..	\$230,985
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Less:

<i>General Services Income</i>	\$34,650
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<i>Total Income Deductions</i>	34,650
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Sub-Total Appropriation, Graduate School of Bio-Medical Sciences	\$196,335
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Total Appropriation, College of Medicine and Dentistry of New Jersey	\$44,221,786
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Salaries:

Officers and employees	(\$47,839,737)
New positions	(1,265,078)
Materials and Supplies	(7,340,135)
Services Other Than Personal	(6,402,565)

Maintenance of Property:

Recurring	(567,880)
Non-recurring and replacements ..	(145,914)

Extraordinary:

Central administration—	
Board of Trustees planning fund .	(10,000)
College-wide—	
Student aid	(134,928)
Research under contract with the Institute of Medical Research, Camden	(351,744)
Nursing instruction	(90,000)
Development Planning (South Jersey Medical Program)	(100,000)

New Jersey Medical School—	
Student transportation	(14,709)
Student aid	(80,628)
Faculty research	(78,750)
Martland Hospital—	
Pension and Workmen's compensation	(389,455)
Rutgers Medical School—	
Student aid	(36,750)
Mortgage program	(194,809)
Raritan Valley Hospital—	
Mortgage program	(684,691)
Additions and Improvements	(1,185,429)
Special Funds expenses	(7,846,728)
Auxiliary Fund expense	(204,224)
Rutgers—Community Mental Health Center	(4,435,427)
Newark—Community Mental Health Center	(1,989,212)
<i>Less:</i>	
<i>General Services income</i>	<i>(2,242,899)</i>
<i>Special Services income</i>	<i>(7,846,728)</i>
<i>Auxiliary Services income</i>	<i>(204,224)</i>
<i>Hospital Services income</i>	<i>(20,448,517)</i>
<i>Rutgers—Community Mental Health Center</i>	
<i>Health Center</i>	<i>(4,435,427)</i>
<i>Newark—Community Mental Health Center</i>	
<i>Center</i>	<i>(1,989,212)</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 C30:4D-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.

574-100. *Newark College of Engineering and
Newark Technical School*

33110.	Instruction	\$7,116,029
33120.	Sponsored Research and Other Sponsored Programs	137,600
33130.	Extension and Public Service	82,080
33240.	Auxiliary Services	890,000
33950.	Academic Support	342,206
33960.	Student Services	665,456
33970.	Institutional Support	4,235,317
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	Sub-Total All Operations	\$13,468,688
<i>Less:</i>		
	<i>General Services income</i>	<i>\$3,339,600</i>
	<i>Auxiliary Services income</i>	<i>890,000</i>
	<hr/>	
	<i>Total Income Deductions</i>	<i>4,229,600</i>
	<hr/>	
	Total Appropriation, Newark College of En- gineering and Newark Technical School ..	\$9,239,088
		<hr/>

Salaries:

Officers and employees	(\$8,509,847)
Student wages	(88,000)
Materials and Supplies	(996,495)
Services Other Than Personal	(1,268,353)

Maintenance of Property:

Recurring	(82,626)
Non-recurring and replacements ..	(255,681)

Extraordinary:

Scholarships, grants, fellowships ..	(108,358)
Retirement allowances	(344,014)
Miscellaneous administrative	(4,350)
Mortgage interest and amortiza- tion	(27,045)
Social Security tax	(198,708)
Group life, major medical and hos- pitalization	(255,535)
Staff development	(30,320)
Organized activities	(31,830)
Student center support	(38,450)
Additions and Improvements	(339,076)
Auxiliary Fund expenses	(890,000)

Less:

<i>General Services income</i>	(3,339,600)
<i>Auxiliary Services income</i>	(890,000)

In the event that the actual full-time and part-time enrollment differs from the "Budget Estimate FY 1975," the Director of the Division of Budget and Accounting shall adjust (increase or decrease) the appropriation by transfer to or from the Enrollment Adjustment Revolving Fund established within the appropriation for Department Management and General Support in the Department of Higher Education. All such adjustments shall be made in accordance within the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting which procedure shall conform to and be consistent with the equivalent credit hour system as defined by

the Board of Higher Education resolution dated December 15, 1972.

Total Appropriation, Department of Higher Education	\$309,864,269*
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600. DEPARTMENT OF TRANSPORTATION
Construction of Transportation Facilities

61400. *Debt Service*

61401. Interest on Highway Improvement Bonds (PL 1930, c. 228)	\$153,475
61402. Interest on State Transportation Bonds (PL 1968, c. 126)	25,015,038
Total Appropriation	\$25,168,513

Any appropriation herein or heretofore made for interest on State Transportation bonds issued for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act) as determined by the Director of the Division of Budget and Accounting, 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 C54:8A-58 et seq. (Transportation Benefits Tax Act) as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

Improvements to Transportation Facilities

62100. *State Highway Facilities **

62101. Electrical and Traffic Improvements	\$1,183,741
62102. Roadway and Bridge Improvements	8,900,088
62103. Equipment Acquisition	2,790,275
Total Appropriation	\$12,874,104

Salaries:

Officers and employees (\$1,274,565)
 Positions transferred from other
 subcategories (92,509)
 Materials and Supplies (1,125)
 Services Other Than Personal (35,905)

Maintenance of Property:

Non-recurring and replacements .. (2,000,000)

Extraordinary:

Traffic signals, signs, lighting and
 safety improvements (770,000)
 Construction, reconstruction, im-
 provement or rebuilding of State
 highways including resurfacing
 and major bridge repairs or re-
 habilitation (8,000,000)
 Additions and Improvements (700,000)

The unexpended balance as of June 30, 1974 in this
 account is hereby appropriated.

*Operation and Maintenance of Transportation Facilities**63100. State Highway Facilities*

63101. Roadway and Bridge Maintenance	\$19,990,105
63102. Electrical and Traffic Operations	6,286,366
63103. Physical Plant Maintenance	1,869,929
63104. Equipment Maintenance	5,731,472

Total Appropriation	<u>\$33,877,872</u>
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Salaries:

Officers and employees (\$22,190,759)
 New positions (739,874)
 Positions transferred from other
 subcategories (76,231)
 Materials and Supplies (3,032,999)
 Services Other Than Personal (578,921)

Maintenance of Property:

Recurring (4,792,700)
 Non-recurring and replacements .. (2,414,770)
 Additions and Improvements (51,618)

The unexpended balance as of June 30, 1974 in this
 account is hereby appropriated.

63200. *Public Transportation Facilities*

63201. Railroad and Bus Operations	\$47,635,288
63202. Aeronautics	248,880
	<hr/>
Total Appropriation	\$47,884,168
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Salaries:

Officers and employees	(\$553,626)
New positions	(212,069)
Positions transferred from other subcategories	(117,158)
Materials and Supplies	(13,000)
Services Other Than Personal	(882,315)

Extraordinary:

Passenger service subsidies	(30,500,000)
Bus subsidies, subject to existing or new legislation	(9,000,000)
Subsidies for motor bus transporta- tion services to senior citizens ...	(6,100,000)
Bus demonstration projects	(500,000)
Additions and Improvements	(6,000)

The unexpended balance as of June 30, 1974 in the Extraordinary category, is hereby appropriated.

The amount provided herein for Passenger service subsidies (C27:1A-15 et seq.) and Bus subsidies may be reduced, as the Director of the Division of Budget and Accounting shall determine, by the amount of Federal funds made available for such purposes.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, 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 C54:8A-58 et seq. (Transportation Benefits Tax

Act), as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

Department Management and General Support

69100. *Department Management and General Support*

69101. Department Administration	\$686,036
69102. Employee and Management Services	2,477,727
69103. Fiscal Management	2,443,272
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Total Appropriation	\$5,607,035
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Salaries:

Commissioner	(\$40,000)
Officers and employees	(3,524,368)
New positions	(35,554)
Positions transferred from other subcategories	(77,912)
Materials and Supplies	(88,490)
Services Other Than Personal	(1,414,111)

Maintenance of Property:

Recurring	(60,350)
Non-recurring and replacements ..	(14,900)

Extraordinary:

Compensation awards	(350,000)
Additions and Improvements	(1,350)

The unexpended balance as of June 30, 1974, in the Department Stock Purchase revolving fund and reimbursements for the purchase of materials and supplies required for the operation of the Department are hereby appropriated.

There are hereby appropriated, as a revolving fund, receipts derived from services rendered by the Department of Transportation Data Processing Center for the purpose of operating the Data Processing Center, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided,

however, that the expenditures 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 empowered to transfer or credit to the Department of Transportation Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

69300. *Planning and Research **

69301. Planning	\$3,837,025
69302. Research	1,513,980
Sub-Total	<hr/> \$5,351,005 <hr/>
<i>Less: Portion of Federal aid receivable which is applicable to highway planning</i>	<i>1,429,700</i>
<i>Less: Portion of Federal aid receivable which is applicable to highway research</i>	<i>725,000</i>
<i>Less: Federal aid receivable which is applicable to Metropolitan planning studies</i>	<i>1,271,120</i>
Total Appropriation	<hr/> \$1,925,185 <hr/>
Salaries:	
Officers and employees	(\$2,795,270)
Materials and Supplies	(66,500)
Services Other Than Personal	(608,907)
Maintenance of Property:	
Recurring	(3,600)
Non-recurring and replacements ..	(13,075)
Extraordinary:	
Comprehensive highway transportation planning studies	(86,346)
Comprehensive aviation planning studies	(57,500)
Metropolitan planning studies	(1,663,447)
Aviation master plans	(40,000)
Additions and Improvements	(16,360)

Less: Portion of Federal aid receivable which is applicable to highway planning (1,429,700)

Less: Portion of Federal aid receivable which is applicable to highway research (725,000)

Less: Federal aid receivable which is applicable to Metropolitan planning studies (1,271,120)

The unexpended balance as of June 30, 1974 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 \$167,000 for public mass transportation planning studies.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, 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 C54:8A-58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

Total Appropriation, Department of Transportation

\$127,336,877

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, 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 C54:8A-58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Custody, Care and Rehabilitation

12100. *Institutional Services*

731. *State Prison, Trenton*

12110. Institutional Control and Supervision	\$3,720,256
12120. Institutional Care Program	2,261,811
12130. Institutional Treatment Program	845,924
12190. Institutional Administration	283,880
Total Appropriation	<hr/> \$7,111,871 <hr/>

Salaries:

Officers and employees	(\$5,148,336)
New positions	(128,575)
Food in lieu of cash	(47,253)
Materials and Supplies	(1,197,329)
Services Other Than Personal	(425,235)

Maintenance of Property:

Recurring	(41,000)
Non-recurring and replacements	(65,690)

Extraordinary:

Compensation awards	(35,000)
Additions and Improvements	(23,453)

732-100. *State Prison, Rahway*

12110.	Institutional Control and Supervision	\$2,582,943
12120.	Institutional Care Program	1,824,502
12130.	Institutional Treatment Program	602,222
12190.	Institutional Administration	308,195
Total Appropriation		<hr/> \$5,317,862 <hr/>

Salaries:

Officers and employees	(\$3,498,595)
New positions	(91,836)
Food in lieu of cash	(33,122)
Materials and Supplies	(992,320)
Services Other Than Personal	(417,149)

Maintenance of Property:

Recurring	(43,500)
Non-recurring and replacements	(120,811)

Extraordinary:

Compensation awards	(50,000)
Additions and Improvements	(70,529)

12190-732-300. *Regional Laundry*

The unexpended balance as of June 30, 1974 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, 1974 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	\$1,686,027
12120. Institutional Care Program	1,393,641
12130. Institutional Treatment Program	479,222
12190. Institutional Administration	190,142
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Total Appropriation	\$3,749,032
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Salaries:

Officers and employees	(\$2,549,623)
New positions	(72,821)
Food in lieu of cash	(26,835)
Materials and Supplies	(758,718)
Services Other Than Personal	(258,832)

Maintenance of Property:

Recurring	(33,400)
Non-recurring and replacements	(29,231)

Extraordinary:

Compensation awards	(7,000)
Additions and Improvements	(12,572)

12190-733-300. *Regional Bakery*

The unexpended balance as of June 30, 1974 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	\$1,773,334
12120.	Institutional Care Program	1,457,168
12130.	Institutional Treatment Program	522,678
12190.	Institutional Administration	243,857
Total Appropriation		<u>\$3,997,037</u>

Salaries:

Officers and employees	(\$2,797,600)
New positions	(60,293)
Food in lieu of cash	(27,219)
Materials and Supplies	(744,746)
Services Other Than Personal	(216,080)

Maintenance of Property:

Recurring	(42,750)
Non-recurring and replacements	(80,423)

Extraordinary:

Compensation awards	(10,000)
Additions and Improvements	(17,926)

735-100. *Youth Reception and Correction Center, Yardville*

12110.	Institutional Control and Supervision	\$2,073,752
12120.	Institutional Care Program	1,291,958
12130.	Institutional Treatment Program	1,039,529
12190.	Institutional Administration	347,456
Total Appropriation		<u>\$4,752,695</u>

Salaries:

Officers and employees	(\$3,540,718)
New positions	(49,882)
Food in lieu of cash	(31,283)
Materials and Supplies	(710,834)
Services Other Than Personal	(213,051)

Maintenance of Property:

Recurring	(39,850)
Non-recurring and replacements	(41,043)

Extraordinary:

State Law Enforcement Planning Agency Project Wharton Tract Narcotic Treat- ment Program	(86,904)
Compensation awards	(30,000)
Additions and Improvements	(9,130)

737-100. Correctional Institution for Women, Clinton

12110. Institutional Control and Supervision	\$1,115,418
12120. Institutional Care Program	1,081,699
12130. Institutional Treatment Program	292,330
12190. Institutional Administration	231,155
Total Appropriation	<u>\$2,720,602</u>

Salaries:

Officers and employees	(\$2,109,980)
New positions	(9,523)
Food in lieu of cash	(7,227)
Materials and Supplies	(231,842)
Services Other Than Personal	(173,866)

Maintenance of Property:

Recurring	(31,225)
Non-recurring and replacements	(35,647)

Extraordinary:

Compensation awards	(10,000)
Additions and Improvements	(111,292)

738-100. Youth Correctional Institution, Annandale

12110. Institutional Control and Supervision	\$1,553,628
12120. Institutional Care Program	1,271,570
12130. Institutional Treatment Program	469,428
12190. Institutional Administration	227,818
Total Appropriation	<u>\$3,522,444</u>

Salaries:

Officers and employees	(\$2,609,497)
New positions	(47,131)
Food in lieu of cash	(24,840)
Materials and Supplies	(557,391)
Services Other Than Personal	(189,466)

Maintenance of Property:

Recurring	(29,500)
Non-recurring and replacements ..	(43,181)

Extraordinary:

Compensation awards	(10,000)
Additions and Improvements	(11,438)

739-100. *Training School for Boys, Skillman*

12110. Institutional Control and Supervision	\$731,710
12120. Institutional Care Program	515,051
12130. Institutional Treatment Program	372,077
12190. Institutional Administration	185,491
Total Appropriation	\$1,804,329

Salaries:

Officers and employees	(\$1,550,422)
Materials and Supplies	(168,577)
Services Other Than Personal	(47,048)

Maintenance of Property:

Recurring	(18,700)
Non-recurring and replacements ..	(10,332)

Extraordinary:

Compensation awards	(5,000)
Additions and Improvements	(4,250)

740-100. *Training School for Boys, Jamesburg*

12110. Institutional Control and Supervision	\$1,174,211
12120. Institutional Care Program	1,114,998
12130. Institutional Treatment Program	596,422
12190. Institutional Administration	207,447
Total Appropriation	\$3,093,078

Salaries:

Officers and employees	(\$2,519,571)
Food in lieu of cash	(4,314)
Materials and Supplies	(355,358)
Services Other Than Personal	(73,805)

Maintenance of Property:

Recurring	(36,600)
Non-recurring and replacements ..	(35,583)

Extraordinary:

Compensation awards	(8,000)
Distributive education	(19,907)
Additions and Improvements	(39,940)

741-100. *Training School for Girls, Trenton*

12190. Institutional Administration	\$700,000
Total Appropriation	<u>\$700,000</u>

Extraordinary:

For costs involved in phasing out operations at the Training School for Girls	(\$700,000)
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12200. *Operation of Residential Group Centers*

12210. Highfields	\$89,423
12220. Warren	94,451
12230. Ocean	97,241
12240. Turrell	102,806
Total Appropriation	<u>\$383,921</u>

Salaries:

Officers and employees	(\$269,495)
Food in lieu of cash	(1,834)
Materials and Supplies	(69,855)
Services Other Than Personal	(20,599)

Maintenance of Property:

Recurring	(7,250)
Non-recurring and replacements ..	(13,963)
Additions and Improvements	(925)

12300. *Parole and Community Programs*730. *Division of Correction and Parole*

12310. Parole	\$3,481,108
12320. Community Programs	157,622
Total Appropriation	\$3,638,730

Salaries:

Officers and employees	(\$3,188,594)
Materials and Supplies	(9,575)
Services Other Than Personal	(296,061)

Maintenance of Property:

Recurring	(5,500)
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Extraordinary:

Community residence center I	(74,000)
Community residence center II	(65,000)

720-100. *State Parole Board*

12330. State Parole Board	\$284,660
Total Appropriation	\$284,660

Salaries:

Chairman	(\$27,000)
Associate Members (2 @ \$25,000) ..	(50,000)
Officers and employees	(189,560)
Materials and Supplies	(2,000)
Services Other Than Personal	(13,600)

Maintenance of Property:

Recurring	(500)
Additions and Improvements	(2,000)

12900. *Division Management and General Support*

12910. Planning, Program Development and Support Services	\$281,592
12920. Training and Staff Development	359,980
12930. Administration	534,360
Total Appropriation	\$1,175,932

Salaries:

Officers and employees	(\$422,433)
New positions	(20,959)
Materials and Supplies	(2,600)
Services Other Than Personal	(99,442)

Maintenance of Property:

Recurring	(370)
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Extraordinary:

To supplement inmate wage pay- ments	(285,000)
Officers training school	(284,932)
Vocational rehabilitation	(55,000)
Interstate corrections compact	(5,000)
Additions and Improvements	(196)

The unexpended balance as of June 30, 1974 in the Planning a new prison account is hereby appropriated.

12410-725-300. *Bureau of State Use Industries*

The unexpended balance as of June 30, 1974 in the State Use Working Capital Fund, and 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.

*Personal Health*22400. *Treatment of Communicable Diseases*794-100. *New Jersey Hospital for Chest Diseases*

22410. Treatment of Chronic Respiratory Diseases	\$2,177,390
22490. Administration and Support	1,114,806
Total Appropriation	<u>\$3,292,196</u>

Salaries:

Officers and employees	(\$2,610,814)
Food in lieu of cash	(19,296)
Materials and Supplies	(453,675)
Services Other Than Personal	(74,253)

Maintenance of Property:

Recurring .....	(	28,650)
Non-recurring and replacements ..	(	84,054)

Extraordinary:

Compensation awards .....	(	5,500)
Additions and Improvements .....	(	15,954)

*Mental Retardation*25100. *Residential Functional Services*762-100. *Vineland State School*

25110. Resident Care and Habilitation	\$7,792,842
25130. Health Services	2,072,893
25190. Institutional Administration and Support Services	2,532,403
Total Appropriation	\$12,398,138

Salaries:

Officers and employees	(\$10,354,097)
New positions	(53,547)
Food in lieu of cash	(35,942)
Materials and Supplies	(1,566,791)
Services Other Than Personal	(147,823)

Maintenance of Property:

Recurring	(61,350)
Non-recurring and replacements ..	(74,950)

Extraordinary:

Compensation awards	(47,000)
Additions and Improvements	(56,638)

763-100. *North Jersey Training School at Totowa*

25110. Resident Care and Habilitation	\$3,789,229
25130. Health Services	1,159,395
25190. Institutional Administration and Support Services	1,480,216
Total Appropriation	\$6,428,840

Salaries:

Officers and employees	(\$5,033,029)
New positions	(203,496)
Food in lieu of cash	(16,903)
Materials and Supplies	(809,274)
Services Other Than Personal	(188,307)

Maintenance of Property:

Recurring	(47,350)
Non-recurring and replacements...	(83,696)

Extraordinary:

Compensation awards	(37,000)
Additions and Improvements	(9,785)

764-100. *Woodbine State School*

25110. Resident Care and Habilitation	\$4,644,137
25130. Health Services	1,090,193
25190. Institutional Administration and Support Services	1,560,468

Total Appropriation	<u>\$7,294,798</u>
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Salaries:

Officers and employees	(\$6,122,373)
New positions	(131,230)
Food in lieu of cash	(18,483)
Materials and Supplies	(801,685)
Services Other Than Personal	(80,000)

Maintenance of Property:

Recurring	(46,350)
Non-recurring and replacements...	(60,181)

Extraordinary:

Compensation awards	(12,000)
Additions and Improvements	(22,496)

765-100. *New Lisbon State School*

25110. Resident Care and Habilitation	\$4,180,398
25130. Health Services	580,391
25190. Institutional Administration and Support Services	1,660,752

Total Appropriation	<u>\$6,421,541</u>
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Salaries:

Officers and employees	(\$4,990,029)
New positions	(147,360)
Food in lieu of cash	(11,736)
Materials and Supplies	(977,306)
Services Other Than Personal	(102,065)

Maintenance of Property:

Recurring	(47,000)
Non-recurring and replacements...	(87,385)

Extraordinary:

Compensation awards	(15,000)
Additions and Improvements	(43,660)

766-100. *Woodbridge State School*

25110. Resident Care and Habilitation	\$5,017,716
25130. Health Services	1,610,718
25190. Institutional Administration and Support Services	1,633,947

Total Appropriation	<u>\$8,262,381</u>
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Salaries:

Officers and employees	(\$6,671,123)
New positions	(65,215)
Food in lieu of cash	(5,400)
Materials and Supplies	(1,041,259)
Services Other Than Personal	(233,807)

Maintenance of Property:

Recurring	(45,525)
Non-recurring and replacements...	(100,227)

Extraordinary:

Compensation awards	(30,000)
Additions and Improvements	(69,825)

767-100. *Hunterdon State School*

25110. Resident Care and Rehabilitation	\$4,219,945
25130. Health Services	1,585,076
25190. Institutional Administration and Support Services	1,676,653

Total Appropriation	<u>\$7,481,674</u>
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Salaries:

Officers and employees	(\$5,999,858)
New positions	(90,015)
Food in lieu of cash	(972)
Materials and Supplies	(952,990)
Services Other Than Personal	(281,919)

Maintenance of Property:

Recurring	(48,600)
Non-recurring and replacements ...	(44,093)

Extraordinary:

Compensation awards	(25,000)
Additions and Improvements	(38,227)

768-100. *Edward R. Johnstone Training and Research Center*

25110. Resident Care and Habilitation	\$2,322,876
25130. Health Services	281,617
25150. Research	133,560
25190. Institutional Administration and Support Services	1,022,198
Total Appropriation	<hr/> \$3,760,251 <hr/>

Salaries:

Officers and employees	(\$3,166,706)
Food in lieu of cash	(5,015)
Materials and Supplies	(362,473)
Services Other Than Personal	(83,893)

Maintenance of Property:

Recurring	(39,800)
Non-recurring and replacements ...	(54,755)

Extraordinary:

Compensation awards	(10,000)
Additions and Improvements	(37,609)

25200. *Other Agency Services*760-100. *Division of Mental Retardation*

25210. Purchased Residential Care	\$4,097,250
25220. Social Supervision, Consultation and Day Training	5,676,045

25290. Management and General Support	625,634
Total Appropriation	<u>\$10,398,929</u>

Salaries:

Officers and employees	(\$1,040,367)
New positions	(19,110)
Materials and Supplies	(8,950)
Services Other Than Personal	(133,975)

Maintenance of Property:

Recurring	(2,500)
Non-recurring and replacements ..	(2,300)

Extraordinary:

Purchase of residential care includ- ing related administrative costs ..	(3,861,650)
Family care	(235,600)
Day training	(4,654,477)
Expansion of social services (State share)	(150,000)
Foster grandparents program	(90,000)
Developmental disabilities services ..	(200,000)

The unexpended balances as of June 30, 1974 in the Purchase of residential care and Foster grandparents program 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.

None of the funds for Developmental disability services shall be expended without non-State matching funds.

*Mental Health*26100. *Institutional Services*777-100. *Greystone Park Psychiatric Hospital*

26110. Outpatient and Community Services	\$351,230
26120. Inpatient Care and Health Services	15,167,216
26190. Administration and Support	5,793,618

Total Appropriation	<u>\$21,312,064</u>
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Salaries :

Officers and employees	(\$17,645,708)
Food in lieu of cash	(149,278)
Materials and Supplies	(2,282,520)
Services Other Than Personal	(465,658)

Maintenance of Property :

Recurring	(218,300)
Non-recurring and replacements	(170,640)

Extraordinary :

Compensation awards	(110,000)
Family care	(259,160)
Additions and Improvements	(10,800)

779-100. *Trenton Psychiatric Hospital*

26110. Outpatient and Community Services	\$365,052
26120. Inpatient Care and Health Services	13,110,400
26190. Administration and Support	4,827,648

Total Appropriation	<u>\$18,303,100</u>
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Salaries :

Officers and employees	(\$15,163,789)
Food in lieu of cash	(53,487)
Materials and Supplies	(2,007,037)
Services Other Than Personal	(266,148)

Maintenance of Property :

Recurring	(106,700)
Non-recurring and replacements	(190,463)

Extraordinary :

Compensation awards	(85,000)
Family care	(282,720)
Additions and Improvements	(147,756)

781-100. *Marlboro Psychiatric Hospital*

26110. Outpatient and Community Services	\$631,200
26120. Inpatient Care and Health Services	9,868,619
26190. Administration and Support	3,850,705

Total Appropriation	<u>\$14,350,524</u>
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Salaries:

Officers and employees	(\$11,728,167)
Food in lieu of cash	(62,794)
Materials and Supplies	(1,275,177)
Services Other Than Personal	(396,774)

Maintenance of Property:

Recurring	(110,800)
Non-recurring and replacements ...	(146,750)

Extraordinary:

Compensation awards	(130,000)
Family care	(471,200)
Additions and Improvements	(28,862)

783-100. *Ancora Psychiatric Hospital*

26110. Outpatient and Community Services	\$521,709
26120. Inpatient Care and Health Services	8,469,481
26190. Administration and Support	3,261,105
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Total Appropriation	\$12,252,295

Salaries:

Officers and employees	(\$9,844,242)
Food in lieu of cash	(120,797)
Materials and Supplies	(1,391,167)
Services Other Than Personal	(187,062)

Maintenance of Property:

Recurring	(98,400)
Non-recurring and replacements ...	(134,199)

Extraordinary:

Compensation awards	(60,000)
Family care	(329,840)
Additions and Improvements	(86,588)

785-100. *New Jersey Neuropsychiatric Institute*

26110. Outpatient and Community Services	\$192,930
26120. Inpatient Care and Health Services	5,150,919
26190. Administration and Support	2,678,207
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Total Appropriation	\$8,022,056

Salaries:

Officers and employees	(\$6,794,771)
Food in lieu of cash	(25,654)
Materials and Supplies	(807,818)
Services Other Than Personal	(154,148)

Maintenance of Property:

Recurring	(62,850)
Non-recurring and replacements ..	(74,924)

Extraordinary:

Compensation awards	(38,500)
Family care	(23,560)
Additions and Improvements	(39,831)

Of the amount hereinabove, a sum not to exceed \$60,000 shall be used for the Behavior modification program.

790-100. *Arthur Brisbane Child Center at Allaire*

26120. Inpatient Care and Health Services	\$782,849
26190. Administration and Support	269,350

Total Appropriation	<u>\$1,052,199</u>
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Salaries:

Officers and employees	(\$854,319)
New positions	(14,705)
Food in lieu of cash	(4,532)
Materials and Supplies	(109,306)
Services Other Than Personal	(25,074)

Maintenance of Property:

Recurring	(12,450)
Non-recurring and replacements ..	(22,008)

Extraordinary:

Compensation awards	(1,000)
Additions and Improvements	(8,805)

792-100. *Diagnostic Center at Menlo Park*

26110. Outpatient and Community Services	\$150,300
26120. Inpatient Care and Health Services	1,101,253

26130. Special Diagnostic Services	868,834
26190. Administration and Support	509,106

Total Appropriation	<u>\$2,629,493</u>
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Salaries:

Officers and employees	(\$1,686,731)
New positions	(400,529)
Food in lieu of cash	(6,202)
Materials and Supplies	(279,060)
Services Other Than Personal	(84,408)

Maintenance of Property:

Recurring	(25,750)
Non-recurring and replacements ...	(13,721)

Extraordinary:

Compensation awards	(3,000)
Additions and Improvements	(130,092)

*26900. Management and General Support**770. Division of Mental Health and Hospitals*

26910. Community Services	\$3,848,193
26920. Management and General Support	727,661

Total Appropriation	<u>\$4,575,854</u>
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Salaries:

Officers and employees	(\$446,679)
New positions	(45,118)
Materials and Supplies	(6,100)
Services Other Than Personal	(138,217)

Maintenance of Property:

Recurring	(600)
Non-recurring and replacements ...	(1,000)

Extraordinary:

Community Mental Health Center, College of Medicine and Dentistry —Newark	(695,368)
Community Mental Health Center, College of Medicine and Dentistry —Rutgers	(2,879,510)

To increase patient food allowance
 at mental health institutions (360,000)
 Compensation awards (300)
 Additions and Improvements (2,962)

Federal and other Funds received or receivable for
 the operation of community mental health centers
 at the New Jersey Medical School and Rutgers
 Medical School are available to the College of
 Medicine and Dentistry for the operation of the
 centers.

The unexpended balances as of June 30, 1974 in the
 College of Medicine and Dentistry Community
 Mental Health Centers—Newark and Rutgers
 accounts are hereby appropriated.

52400. *Services to the Blind and Visually Impaired*

716-100. *Commission for the Blind and Visually Impaired*

52410. Habilitation and Rehabilitation	\$3,635,363
52420. Instruction and Community Programs ...	1,398,409
52490. Administration	343,951
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Total Appropriation	\$5,377,723
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Salaries:

Officers and employees (\$2,277,649)
 New positions (61,663)
 Materials and Supplies (72,701)
 Services Other Than Personal (2,949,047)

Maintenance of Property:

Recurring (4,250)
 Non-recurring and replacements ... (3,600)

Extraordinary:

Compensation award (3,600)
 Additions and Improvements (5,213)

In addition to the appropriation hereinabove, recov-
 eries of the State share of expenditures made in
 the year ending June 30, 1975, and 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, 1974 in this account which represents State funds is hereby appropriated to match Federal support beyond that now anticipated for fiscal year 1974-75.

The balance to the credit of the Revolving Industrial Fund as of June 30, 1974 is hereby appropriated in a sum not to exceed \$8,000 for the same purpose.

52500. *Provision of Income Maintenance to Public Indigents*

715-100. *Division of Public Welfare*

52510. Fiscal Control	\$1,206,962
52520. Quality Control	973,199
52530. Income Maintenance	2,066,345
52590. Administration	1,215,715
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Total Appropriation	\$5,462,221
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Salaries:

Officers and employees	(\$4,211,418)
Materials and Supplies	(44,500)
Services Other Than Personal	(706,353)

Maintenance of Property:

Recurring	(12,000)
Non-recurring and replacements ..	(3,950)

Extraordinary:

Development of income maintenance information system	(450,000)
Additions and Improvements	(34,000)

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.

52600. *Social Services For Youth and Families*717-100. *Division of Youth and Family Services*

52610. Day Care	\$3,744,642
52620. Residential Services	2,658,092
52630. Social Services	12,671,153
52640. Resource Development	1,493,583
52690. Administration	1,202,110
Total Appropriation	<u>\$21,769,580</u>

Salaries:

Officers and employees	(\$11,631,446)
New positions	(196,725)
Positions transferred to another subcategory	(326,479)
Materials and Supplies	(53,000)
Services Other Than Personal	(1,348,862)

Maintenance of Property:

Recurring	(25,000)
Non-recurring and replacements ..	(35,000)

Extraordinary:

Group foster home administration ..	(77,329)
Units for hard-to-place children ...	(1,958,230)
Intensification of adoption services ..	(466,933)
Utilization of para-professional per- sonnel	(137,500)
Implementation of juvenile reform legislation (PL 1973, c. 306)	(300,000)
Emergency reception and child care facilities	(580,000)
Community day care (State share) ..	(3,005,894)
Early childhood and development program	(236,565)
Research and evaluation of social service programs	(193,333)
Homemaker services	(467,500)
Child abuse control center	(400,000)
For additional caseworkers in the foster care services and facilities activity	103,284)

Work incentive program and day care (State share)	(200,000)
Additions and Improvements	(26,500)

The unexpended balance as of June 30, 1974 in the Work incentive and day care program account is hereby appropriated for the same purpose.

The funds provided hereinabove for Community Day Care (State share) shall be made available on the basis of full funding of the non-Federal share without local matching to those centers in which either the State financed the non-Federal share or were State-operated in fiscal year 1974 and on the basis of up to 30% of the non-Federal share for those centers where the State did not finance any percentage of the non-Federal share in fiscal year 1974.

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 sum hereinabove shall be available for the payment of bills applicable to prior fiscal years.

Income Security and Human Resources Development

52700. Services to Veterans

52710. Field Services	\$838,697
Total Appropriation	\$838,697

Salaries:

Officers and employees	(\$432,857)
Materials and Supplies	(3,300)
Services Other Than Personal	(17,090)

Maintenance of Property:

Recurring	(450)
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Extraordinary:

Veterans' Orphans Fund—Educa-	
tional Grants	(135,000)
Blind Veterans' Allowances	(67,500)
Paraplegic and Hemiplegic Vet-	
erans' Allowances	(182,500)

52700. *Services to Veterans*710-100. *New Jersey Memorial Home for Disabled Soldiers
at Menlo Park*

52720. Domiciliary and Treatment Services	\$1,447,611
52730. Administration and Support Services	776,570
Total Appropriation	<u>\$2,224,181</u>

Salaries:

Officers and employees	(\$1,748,579)
New positions	(86,485)
Food in lieu of cash	(6,500)
Materials and Supplies	(295,647)
Services Other Than Personal	(55,492)

Maintenance of Property:

Recurring	(12,050)
Non-recurring and replacements ..	(7,784)

Extraordinary:

Compensation awards	(10,000)
Additions and Improvements	(1,644)

52700. *Services to Veterans*711-100. *New Jersey Memorial Home for Disabled
Soldiers at Vineland*

52720. Domiciliary and Treatment Services	\$1,969,389
52730. Administration and Support Services	771,184
Total Appropriation	<u>\$2,740,573</u>

Salaries:

Officers and employees	(\$2,188,517)
New positions	(49,168)
Food in lieu of cash	(7,000)

Materials and Supplies	(382,940)
Services Other Than Personal	(53,998)
Maintenance of Property:	
Recurring	(17,800)
Non-recurring and replacements ..	(32,150)
Extraordinary:	
Compensation awards	(2,500)
Additions and Improvements	(6,500)

Assistance to the Economically Disadvantaged

53100. Medical Assistance and Health Services

714. Division of Medical Assistance and Health Services

53110. Long-term Care	\$2,432,385
53120. General Medical Services	210,464,257
53190. Administration and General Support	5,815,097
Total Appropriation	<u>\$218,711,739</u>

53100. Medical Assistance and Health Services

Salaries:

Officers and employees	(\$4,691,255)
New positions	(304,185)
Materials and Supplies	(57,500)
Services Other Than Personal	(1,744,437)

Maintenance of Property:

Recurring	(10,500)
Non-recurring and replacements ..	(2,500)

Extraordinary:

Payments to fiscal agents	(8,391,000)
Newark demonstration project	
(State share)	(900,000)
Intermediate care facilities	(209,362)
Eligibility determination	(1,336,000)
Compensation awards	(12,000)
Payments to medical assistance re-	
cipients (State share)	(201,002,000)
Additions and Improvements	(51,000)

The portion of the appropriation made to or on behalf of this Division, which represents General State funds, 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, 1974 in the Newark demonstration project account is hereby appropriated for the same purpose.

All funds recovered under C30:4D-1 et seq. during the fiscal year ending June 30, 1975 are hereby appropriated.

The sum hereinabove for Payments to medical assistance recipients 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 PL 1968, c. 413 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 (PL 1968, c. 413 et seq.).

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements which represent the State share of medical assistance is hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance (PL 1968, c. 413 et seq.).

53200. *Criminal Defense of Indigents*

709-100. *Office of the Public Defender*

53210. Trial	\$6,371,754
53220. Appellate	1,410,753
53290. Administration	573,789
Total Appropriation	<hr/> \$8,356,296 <hr/>

53200. *Criminal Defense of Indigents*

Salaries:

Officers and employees	(\$5,383,464)
New positions	(640,488)
Materials and Supplies	(168,368)
Services Other Than Personal	(2,011,710)

Maintenance of Property:

Recurring	(3,600)
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Extraordinary:

Court expansion	(141,893)
Additions and Improvements	(6,773)

Receipts from charges for service (C2A: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, 1974 in this account, not to exceed \$70,000, is hereby appropriated.

*Department Management and General Support*79100. *Department Management and General Support*

79110. Department Management and Policy Control	\$1,892,130
79120. Management Support Services	2,638,545
79130. Educational Services for Inmates, Patients and Residents	1,872,320
79140. Debt Service—Interest on Bonds	6,725,242
Total Appropriation	<u>\$13,128,237</u>

Salaries:

Commissioner	(\$40,000)
Officers and employees	(1,880,951)
Materials and Supplies	(34,900)
Services Other Than Personal	(621,074)

Maintenance of Property:

Recurring	(8,050)
Non-recurring and replacements ..	(9,200)

Extraordinary:

To expand Department's management staff	(125,000)
Expansion of State social services	(1,000,000)
Expansion of community social services	(250,000)
Nursing scholarship program	(550,000)
Compensation awards	(8,500)
State school district	(1,872,320)
Interest on Institution Construction Bonds (PL 1960, c. 156)	(673,350)
Interest on Institution Construction Bonds (PL 1964, c. 144)	(1,293,600)
Interest on Public Building Construction Bonds (PL 1968, c. 128)	(4,758,292)
Additions and improvements	(3,000)

The unexpended balance as of June 30, 1974 in the revolving fund created for the purpose of rendering data processing services is hereby appropriated.

No funds in the expansion of State social services and expansion of community social service accounts shall be expended until a plan and fund allocation schedule are developed by the Commissioner and approved by the Director of Budget and Accounting. Funds in the expansion of community social services shall be expended in amounts not to exceed 25% of the non-Federal share.

Total Appropriation, Department of Institutions and Agencies	<u>\$469,097,773</u>
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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, 1974 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, 1974 of funds received by the several institutions representing rental of garages, together with such funds as may be received during fiscal year 1974-75 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 C30:4-91.1 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 C30:4D-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 C30:4D-1 et seq.

DEPARTMENT OF COMMUNITY AFFAIRS

Community Affairs

42100. *Community Development Management*

42120. Housing	\$2,957,837
42130. Local Government Services	1,026,362
42140. State and Regional Planning	1,286,157
Total Appropriation	<hr/> \$5,270,356 <hr/>

Salaries:

Board members (3 @ \$6,000)	(\$18,000)
Officers and employees	(1,448,512)
New positions	(71,300)
Materials and Supplies	(40,990)
Services Other Than Personal	(212,334)

Maintenance of Property:

Recurring	(2,843)
Non-recurring and replacements	(3,582)

Extraordinary:

Hackensack Meadowlands Development Commission	(450,000)
Delaware Valley Regional Planning Commission	(50,000)
Tri-State Regional Planning Commission	(229,200)
State planning task force	(100,000)
Cooperative housing inspection	(987,565)
Code enforcement and housing inspection	(800,000)
Relocation and down-payment assistance	(700,000)
Cooperative governmental planning	(154,000)
Additions and Improvements	(2,030)

The amount hereinabove for Code enforcement and housing inspection and the amount 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 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 funds hereinabove for Relocation and down payment assistance shall be applicable to the fiscal year 1974-75 only; provided, however, that the Commissioner of the Department of Community Affairs, be empowered to continue existing contracts for rent supplements in accordance with the provisions of C52:27D-66.

New Jersey State Library

The unexpended balance as of June 30, 1974 in the Hackensack Meadowlands Development Commission account is hereby appropriated for the same purpose.

The sum of \$450,000 hereinabove appropriated for the Hackensack Meadowlands Development 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 (PL 1971, c. 137), with interest at 6% per annum, out of the proceeds of any obligations issued by the said Authority.

The amount hereinabove appropriated for the Delaware Valley Regional Commission shall be used for land development planning aspects of studies conducted in the Philadelphia-Camden Urban Area by such Commission, contingent upon Federal participation of no less than 66 $\frac{2}{3}$ %; provided, however, that the expenditure of such funds by the Delaware Valley Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

The amount hereinabove appropriated for the Tri-State Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Northeastern New Jersey-New York Urban Area by such Commission, contingent upon Federal participation of no less than 66 $\frac{2}{3}$ %; provided, however, that the expenditure of such funds by the Tri-State Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

49100. *Department Management*

49190. Department Management \$671,966

Total Appropriation \$671,966

Salaries:

Commissioner (\$38,000)
 Officers and employees (483,148)
 Materials and Supplies (8,340)
 Services Other Than Personal (87,158)

Maintenance of Property:

Recurring (6,500)
 Non-recurring and replacements .. (12,000)

Extraordinary:

Compensation awards (6,820)
 Additions and Improvements (30,000)

The unexpended balance as of June 30, 1974 in the revolving fund for printing and reprinting literature for sale, and the receipts derived from such sales is hereby appropriated.

52300. *Human Resource Development*

52310. Human Resources \$1,137,455

Total Appropriation \$1,137,455

Salaries:

Officers and employees (\$279,954)
 New position (11,049)
 Materials and Supplies (19,099)
 Services Other Than Personal (40,049)

Maintenance of Property:

Recurring (1,141)
 Non-recurring and replacements ... (1,050)

Extraordinary:

For the operation of a Division of
 Women subject to enactment of
 enabling legislation (100,000)
 Conference on Aging (1,500)

Survey and demonstration projects,	
aging	(50,000)
Older Americans' Act (State share)(	100,000)
State and Regional Conference on	
Youth	(1,113)
Urban Loan Authority	(100,000)
State Commission on Aging	(2,500)
Neighborhood education centers ...	(430,000)

The unexpended balance as of June 30, 1974 in the Older Americans' Act (State share) account is hereby appropriated; provided, however, that the funds hereinabove only be expended in an amount not to exceed 50% of the non-Federal share of Federally approved projects.

Of the amount appropriated for Survey and demonstration projects, not more than \$10,000 be expended without matching funds from either Federal or local sources; provided, however, that the balance of the funds be expended to match Federal funds on Title III projects in Federal non-priority counties; and provided, further, that State funds be expended in an amount not to exceed 50% of the non-Federal share of Federally approved projects.

The unexpended balance as of June 30, 1974 in the Urban Loan Authority account is hereby appropriated for the same purpose.

Total Appropriation, Department of Community Affairs	\$7,079,777
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MISCELLANEOUS EXECUTIVE COMMISSIONS

14800. *Regulation of Other Industries*

918-100. *State Energy Office*

Extraordinary:

For expenses of the State Energy Office	\$430,000
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Total Appropriation	\$430,000
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The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

34200. *Programs for the State Library and Historical Commission*
 917-100. *New Jersey American Revolution Bicentennial*
Celebration Commission

Extraordinary:

Expenses of the Commission	\$500,000
Total Appropriation	<u>\$500,000</u>

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

Environmental Management

41300. *Resource Management*

914. *Delaware River Basin Commission*

41310. Water Supply Management	\$387,500
Total Appropriation	<u>\$387,500</u>

Extraordinary:

Expenses of the Commission	(\$387,500)
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Environmental Management

41400. *Pollution Control*

913. *Interstate Sanitation Commission*

41410. Air Pollution	\$81,000
41440. Water Quality	131,135
Total Appropriation	<u>\$212,135</u>

Extraordinary:

New Jersey share of administrative costs (45%)—Air Pollution	(\$81,000)
New Jersey share of administrative costs (45%)—Water Quality	(131,135)

*Recreational Management*46100. *Recreational Opportunities*911. *Palisades Interstate Park Commission*

46110. Parks Management	\$771,487
46180. Patrol Activities and Crime Control	451,283
Total Appropriation	<hr/> \$1,222,770 <hr/>

Salaries:

Officers and employees	(\$980,110)
Materials and Supplies	(62,750)
Services Other Than Personal	(52,705)

Maintenance of Property:

Recurring	(54,000)
Non-recurring and replacements	(67,305)
Additions and Improvements	(5,900)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balance as of June 30, 1974 from such revenues, are hereby appropriated for maintenance of such stations, for non-recurring or emergency Parkway maintenance, and for capital projects and plans.

The unexpended balances as of June 30, 1974 from the police court, stands, concessions and self-sustaining activities operated or supervised by this Commission, and receipts from such activities are hereby appropriated.

*Operation and Maintenance of Transportation Facilities*63100. *State Highway Facilities*912. *Delaware River Joint Toll Bridge Commission*

63150. Delaware River Joint Toll Bridge Commission	\$823,335
Total Appropriation	<hr/> \$823,335 <hr/>

Salaries:

Officers and employees	(\$633,965)
Materials and Supplies	(30,750)
Services Other Than Personal	(53,750)

Maintenance of Property:

Recurring	(16,500)
Non-recurring and replacements ...	(88,370)

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

Total Appropriation, Miscellaneous Executive Commissions	\$3,575,740
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INTER-DEPARTMENTAL ACCOUNTS

*Centrally Financed Facilities and Services*78200. *Inter-Departmental Service Appropriations*78210-940-100. *Property Rentals—Buildings and Grounds*

Services Other Than Personal	\$23,381,882
<i>Less: Direct charges and charges to Non-State Fund Sources</i>	<i>8,210,253</i>
Total Appropriation	\$15,171,629

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 be 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, be credited to that Fund.

Receipts derived from direct charges and charges to non-State fund sources are hereby appropriated for the rental of property including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed without the prior written 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.

78220-941-100. *Employee Benefits*

Extraordinary:

Heath Act	\$120,000
Veterans Act	145,000
Miscellaneous special acts	40,000
Governors' widows annuity	12,000
Judicial pensions	3,603,536
Prison officers' pensions	941,000
Public Employees' Retirement System	25,551,491
Premiums for non-contributory insurance	5,166,500
Social security tax	41,050,000
State Police Retirement System	5,476,008
Premium for non-contributory insurance—State Police	369,200
State employees' health benefits	24,653,000
Pension Increase Act	2,450,000
Employer contributions alternate benefit program	10,866,000

Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher education and State employee members	1,676,822
Unemployment insurance benefit costs for employees of State hospitals and State institutions of higher education, effective January 1, 1972	320,000
To provide for non-contributory pensions for certain State employees with more than 30 years continuous service, who are not otherwise eligible for pensions, effective July 1, 1972 (PL 1973, c. 249)	35,000
Total Appropriation	<u>\$122,475,557</u>

The sum appropriated for Social security tax is hereby 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 RS 43:8-2, and continued by RS 43:7-1 et seq., RS 43:8-1 et seq. and RS 43:8-8 et seq.

Any adjustment which may be required for 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 (C43:15A-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, 1974 and $\frac{1}{2}$ of such sum may be paid not later than January 1, 1975 and with any earnings received from the investment or deposit of such sum during the period July 1, 1974 through the date of such payment.

Of the sum appropriated for Employer contributions, alternate benefit program, \$3,557,735 is hereby available to continue employer pension contributions at the same rate as was contributed in fiscal year 1970-71, notwithstanding the provisions of NJS 18A:66-74b.

78230-942-100. *State Emergency Fund*

Extraordinary:

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	\$400,000
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, as required, to meet contingencies which may result from increases in the price of fuel and food, and other commodities and	

services beyond those anticipated, as the Director of the Division of Budget and Account- ing shall determine	2,000,000
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Total Appropriation	\$2,500,000
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The unexpended balance not to exceed \$1,000,000 as of June 30, 1974 in the account for allotment, as required, to meet contingencies which may result from increases in the price of fuel and food, and other commodities and services beyond those anticipated, as the Director of the Division of Budget and Accounting shall determine is hereby appropriated.

The unexpended balance as of June 30, 1974 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.

78240-943-100. *Salary and Other Benefits **

Extraordinary:

To the Director of the Division of Budget and Accounting for allotment to the various agencies for lump sum payments to eligible retired employees for earned and unused accumulated sick leave (PL 1973, c. 130)	\$1,500,000
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To the Director of the Division of Budget and Accounting for allotment to the various agencies to provide an approximate 6% in- crease in the salary rate in effect on the date prior to the beginning of a biweekly pay period nearest to either July 1, 1974 or September 1, 1974 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	33,000,000
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To the Director of the Division of Budget and Accounting for allotment to the various agencies to provide for the costs of additional salary and fringe benefits resulting from negotiated contractual agreements with various employee organizations	2,000,000
Total Appropriation	<u>\$36,500,000</u>

The appropriations for salary benefits provided hereinabove shall be subject to 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 the salary rate, except for those employees receiving food and/or housing maintenance allowances as of July 1, 1973, which may be paid to an employee shall not be increased to include an allowance for maintenance, unless heretofore provided; and provided, further, that the salary rate which may be paid to any employee in the Executive Branch of State government, including cash salary and the value of maintenance received shall not be increased to a salary rate as high as the cash salary rate provided by law for the respective department head, including employees of the College of Medicine and Dentistry of New Jersey; Rutgers, The State University; the 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 the department head's salary rate 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 the aforementioned salary increase of an approximate 6% shall be offset by any salary adjustment received by any officer or employee in fiscal year 1973-74 which was more than one salary increment in his salary range, other

than a normal increment, unless the department head or organization appointing authority requests otherwise.

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.

The Classification, Compensation, Promotion and Salary Administration Program Plans of Rutgers, The State University; the Newark College of Engineering; and the College of Medicine and Dentistry of New Jersey shall be maintained and amended as required in accordance with standards and guidelines established by the President of the Civil Service Commission and approved by the 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 Program Plans as hereinabove described shall be forwarded to the Executive Director, Office of Fiscal Affairs, upon promulgation of such plans.

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 begin-

ning of the biweekly pay period nearest to July 1, 1974. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

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 non-state fund sources, shall be entitled to the same salary adjustments, increments, and other benefits 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 non-state fund sources consents thereto and pays the cost thereof.

Such additional sums which may be required for Social security tax, resulting from the implementation of the salary adjustments hereinabove, may be allotted to account 78200-941-100, 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 compensation payments to eligible retired employees of the respective departments for accumulated unused sick days.

78250-944-100. *Overtime Compensation*

Extraordinary:

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 (C52:14-17.13 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

\$1,650,000

Total Appropriation

\$1,650,000

Total Appropriation, Inter-Departmental
Accounts

\$178,297,186

THE JUDICIARY

Judicial Affairs

73100. *Court Operations*

73110. Supreme Court

\$901,260

73120. Superior Court

8,357,622

Total Appropriation

\$9,258,882

Salaries:

Chief Justice	(\$47,500)
Associate Justices (6 @ \$45,000) ..	(270,000)
Judges (120)	(4,529,000)
Officers and employees	(3,207,751)
Positions established from lump sum appropriation	(153,033)
Position transferred from another subcategory	(8,245)
Materials and Supplies	(219,150)
Services Other Than Personal	(253,703)

Maintenance of Property:

Recurring	(25,500)
Non-recurring and replacements ..	(25,000)

Extraordinary:

To increase State funded or sup- ported judges' salaries subject to the enactment of enabling legisla- tion	(500,000)
Additions and Improvements	(20,000)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

73200. *Court Support Services*

73210. Official Court Reporters	\$2,914,228
73290. General Support	1,340,773
Total Appropriation	<hr/> \$4,255,001 <hr/>

Salaries:

Officers and employees	(\$3,076,848)
Positions established from lump sum appropriation	(602,470)
Materials and Supplies	(93,750)
Services Other Than Personal	(332,050)

Maintenance of Property:

Recurring	(7,000)
Non-recurring and replacements ...	(46,000)

Extraordinary:

Court planning service	(74,783)
Compensation awards	(20,000)
Additions and Improvements	(2,100)
The unexpended balance as of June 30, 1974 in this account is hereby appropriated.	

73300. *Court Administration*

73310. Legal Services	\$501,639
73320. Probation Services	66,323
73390. Management Services	524,846

Total Appropriation	<u>\$1,092,808</u>
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Salaries:

Officers and employees	(\$792,745)
Positions established from lump sum appropriation	(136,046)
Positions transferred from another subcategory	(25,677)
Materials and Supplies	(45,700)
Services Other Than Personal	(79,540)

Maintenance of Property:

Recurring	(10,700)
Non-recurring and replacements ..	(800)
Additions and Improvements	(1,600)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

Total Appropriation, the Judiciary	<u>\$14,606,691</u>
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Total Appropriation, General State Operation	<u>\$1,360,866,740*</u>
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STATE AID

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11300. <i>Legal, Administrative and Support Services—State Aid</i>	
11380. Law Enforcement Planning	\$595,000

Total Appropriation	<u>\$595,000</u>
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Grant-in-Aid:

For 50% of the non-Federal share of
Law Enforcement Assistance Act
projects undertaken by local
governments, in compliance with
the Federal Omnibus Crime Con-
trol and Safe Streets Act (\$595,000)

The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

11400. *Protection of Individual Rights—State Aid*

11410. Consumer Affairs—General	\$2,000
Total Appropriation	<u>\$2,000</u>

Grants-in-Aid:

For payment of fees to counties and
municipalities from the sale of
solid fuel licenses (RS 51:8-13),
approximating (\$1,800)

For payment of fees to counties and
municipalities from the sale of
poultry licenses (RS 4:11-48),
approximating (200)

Total Appropriation, Department of Law
and Public Safety \$597,000

200. DEPARTMENT OF THE TREASURY

*Financial Aid To Counties and Municipalities*77100. *Shared and State Collected Local Taxes—State Aid*

77110. Inheritance Tax Collections (County Share)	\$3,300,000
77120. Railroad Property Taxes	8,780,216
77140. Sales Tax Distribution	25,000,000
Total Appropriation	<u>\$37,080,216</u>

Extraordinary:

Payments to counties (5% of in-
heritance taxes) (\$3,300,000)

Payments to municipalities in lieu
of railroad property tax (8,780,216)
Distribution of 10% of net sales tax
revenues to municipalities (25,000,000)

There are hereby appropriated such additional
funds as may be required for Inheritance tax
collections (County share) (RS 54:33-10).

In addition to the amount hereinabove, there are
hereby appropriated such additional sums as may
be required for the payment of State aid to
certain municipalities in which railroad property
is located (C54:29A-2 et seq.).

There are hereby appropriated so much of the pro-
ceeds of taxes derived from the fire insurance
premiums as may be required for payment to the
New Jersey Firemen's Home and the New Jersey
Firemen's Association (RS 54:17-4).

There are hereby appropriated so much of the pro-
ceeds derived from the imposition of the Financial
Business Tax as may be required for payment
to the local taxing districts and counties
(C54:10B-24).

There are hereby appropriated so much of the pro-
ceeds derived from the imposition of the taxes
as may be required for payment to the local taxing
districts (C54:11D-1 et seq.).

77200. *State Subsidies and Services—State Aid*

77230. Reimbursements—Senior Citizens' Tax De- ductions	\$14,000,000
77240. County Boards of Taxation	433,125
77250. Consolidated Police and Firemen's Pen- sion Fund	4,346,132
Total Appropriation	<u>\$18,779,257</u>

Salaries:

County tax board members (69) ... (\$433,125)

Extraordinary:

State reimbursement to municipalities for one-half of the senior citizens' tax deduction (14,000,000)

State contribution to Consolidated Police and Firemen's Pension Fund (4,346,132)

The unexpended balances as of June 30, 1974 in the Payment of storm relief claims and Passaic River Basin study accounts are hereby appropriated.

There are hereby appropriated such additional sums as may be required for State reimbursement to municipalities for one-half of the senior citizens' tax deduction.

Total Appropriation, Department of the Treasury	<u>\$55,859,473</u>
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360. DEPARTMENT OF CIVIL SERVICE

Personnel Management

75500. *Merit System Administration—State Aid*

75530. Public Career Service Improvement	\$225,000
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Total Appropriation	<u>\$225,000</u>
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Extraordinary:

Community development training program (\$225,000)

Total Appropriation, Department of Civil Service	<u>\$225,000</u>
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360. DEPARTMENT OF HEALTH

Personal Health

22200. *Parental and Child Health—State Aid*

22210. Parental and Child Health	\$1,247,800
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Total Appropriation	<u>\$1,247,800</u>
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Extraordinary:

Hospitalization and convalescent care	(\$1,193,400)
Appliances	(54,400)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated for the same purpose.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

*Community Health Programs*23200. *Local Health Services—State Aid*

23210. Local Health Services	\$4,261,685
Total Appropriation	<u>\$4,261,685</u>

Salaries:

Officers and employees	(\$159,318)
Materials and Supplies	(900)
Services Other Than Personal	(11,467)

Extraordinary:

Basic health services	(525,000)
Special projects and development ..	(200,000)
Equalization aid	(3,365,000)

The unexpended balance as of June 30, 1974 in this account, not to exceed \$250,000, is hereby appropriated.

The capitation is hereby set at \$2.00 for the calendar year 1975 for the purposes prescribed (C26:2F-1 et seq.).

Total Appropriation, Department of Health	<u><u>\$5,509,485</u></u>
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400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Environmental Management*41300. *Resource Management—State Aid*

41310. Water Supply Management	\$1,316,000
41330. Marine Lands Management	1,969,351*
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Total Appropriation	\$3,285,351*
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Salaries:

Officers and employees	(\$219,126)
Materials and Supplies	(22,200)
Services Other Than Personal	(13,800)

Maintenance of Property:

Recurring	(8,500)
Non-recurring and replacements ..	(5,250)

Extraordinary:

Passaic River basin flood control projects (C58:16B-1 et seq.)...	(\$1,316,000)
Control of obnoxious aquatic vegetation in State-controlled lakes ...	(25,000)
To the town of Keansburg for repayment to the State for costs incurred on their behalf due to contract overruns on hurricane protection projects	*
Shore protection projects, contingent upon no less than 25% participation by local governments (State share) (C12:6A-1 et seq.)	(1,675,000)
Additions and Improvements	(475)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The unexpended balance as of June 30, 1974 in the Resource Management—State Aid subcategory excluding the accounts Preservation of Historic Cape May Shore Front, Cooperative Shore Protection Studies with the Federal government, Shore Protection Project, Pennsville is hereby appropriated.

From the amount provided herein for Shore protection projects (C12:6A-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 maintain and repair existing shore protection jetties and groins heretofore constructed with State aid.

Recreation Management

46100. *Recreation Opportunities—State Aid*

The unexpended balance as of June 30, 1974 in the Recreation Opportunities—State Aid subcategory, excluding the account Harbor of Refuge at the Senator Frank S. Farley State Marina, is hereby appropriated.

Management and General Support

49100. *Department Management—State Aid*

49110. Department Management and Administrative Services	\$675,000
Total Appropriation	<hr/> \$675,000 <hr/>

Extraordinary:

For transfer to the Agricultural Experiment Station for aerial spraying in counties bordering on the Atlantic Ocean and Delaware Bay and in such other counties as the State Mosquito Control Commission may designate (\$150,000)

For transfer to the Agricultural Experiment Station for mosquito control and extermination (C26:9-12.6) (350,000)

For transfer to the Agricultural Experiment Station for mosquito control on State-owned land . . . . (	25,000)
Aid to local environmental agencies (PL 1972, c. 49) . . . . . (	150,000)
The unexpended balance as of June 30, 1974 in this account is hereby appropriated.	
Total Appropriation, Department of Environmental Protection	<u>\$3,960,351*</u>

500. DEPARTMENT OF EDUCATION

General Assistance for Public and Non-Public Education

31100. <i>Financial Assistance to Local School Districts—State Aid</i>	
31101. State School Incentive Equalization Aid	\$459,108,284
31102. County Audio-Visual Aid	102,650
31104. School Building Aid	40,338,116
31105. Pupil Transportation	46,181,917
31107. Aid For Children Resident in Institutions	1,476,936
31108. Aid for Public School Safety	2,557,788
31109. Early Childhood Program	100,000
31110. Special Education	64,071,008
31111. Adult and Continuing Education	3,659,682
31112. Emergency Aid	200,000
Sub-Total Appropriation	<u>\$617,796,381</u>

31200. *General Assistance Programs for Public Schools—State Aid*

31210. Curriculum Services	<u>\$1,807,341</u>
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*Programs for Specific Groups and Limited Purposes*32100. *Programs for the Disadvantaged and Handicapped—State Aid*

32110. Programs for the Disadvantaged and Handicapped	<u>\$1,000,000*</u>
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32400. <i>Programs for School Nutrition—State Aid</i>	
32410. School and Non-School Nutrition Programs	\$10,029,087

32500. <i>Career Development—State Aid</i>	
32510. General Vocational Education	\$7,908,625
32520. Aid for Part-time County Vocational Schools	1,653,265
Sub-Total Appropriation	\$9,561,890

Direct Public Services

34200. <i>Programs for the State Library and Historical Commission—State Aid</i>	
34210. State Library and Historical Commission	\$10,391,408

34300. <i>Programs for the State Museum and New Jersey School of the Arts—State Aid</i>	
34310. State Museum and New Jersey School of the Arts	\$482,195*

Department Planning, Management and General Support

39200. <i>General Support—State Aid</i>	
39220. Other General Support	\$139,450
Total Appropriation	\$651,207,752*

Salaries:

Officers and employees	(\$1,278,890)
New position	(11,181)
Materials and Supplies	(114,164)
Services Other Than Personal	(106,921)

Maintenance of Property:

Recurring	(600)
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Extraordinary:

Interest on Public Building Construction Bonds (PL 1968, c. 128) . . .	(1,392,021)
Career development	(2,058,625)
Research library contracts	(341,577)
Workshops	(10,000)
Newark Museum Association	(482,195)
Bergen County Museum	*
Morris Museum of Arts and Sciences	*
Computerized bus scheduling	(388,000)
School Facilities Survey (PL 1973, c. 2)	(285,000)
Early Childhood Service Project	(100,000)
Additions and Improvements	(1,750)

Grants-in-Aid:

Equalization and incentive aid (NJS 18A :58-1 et seq.)	(459,108,284)
Emergency fund	(200,000)
School building aid debt service	(7,744,250)
Equalization and incentive building aid (NJS 18A :58-1 et seq.)	(32,282,558)
Transportation	(45,646,067)
Children resident in institutions	(962,390)
Children resident on State-owned property	(514,546)
Public School Safety Act	(2,557,788)
County audio-visual aid centers	(100,000)
Special education program	(63,702,930)
Work-study program	(450,000)
High school equivalency	(1,300,000)
Adult education	(1,071,859)
Adult literacy	(889,000)
Evening schools for foreign-born residents	(176,128)
State school lunch aid	(9,967,439)
Vocational education	(4,000,000)
District and regional vocational schools	(1,653,265)
State aid for certain libraries	(9,910,324)

For new and extension of vocational education programs on a 2/1, State/local matching basis:

Cooperative vocational education	}	(1,400,000)
Health careers occupations		
Employment orientation for the disadvantaged and handicapped		
Shop and laboratory improvement in urban schools		
Vocational curriculum development services		
Pilot project for pre-school education for the handicapped		(1,000,000)
Pilot project for a summer education and recreation program for handicapped children		*

Of the amount hereinabove included in the Equalization and incentive aid account (NJS 18A:58-1 et seq.), not more than \$200,000 may be used for administrative expenses resulting from implementation of the Equalization and incentive aid program.

The unexpended balance as of June 30, 1974 in the School building aid debt service account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1974 in the remaining Grants-in-Aid accounts, not to exceed \$250,000, is 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, 1974 in the New Jersey library construction incentive aid account is hereby appropriated.

Of the amount set forth above in the Equalization and incentive aid account, Department of Education, State Aid Programs, the sum of \$54.5 million

anticipated as resources available from the State Lottery Fund in fiscal year 1975 is hereby appropriated from that source.

The unexpended balance, not to exceed \$15 million, as of June 30, 1974 in the Aid to non-public education account is hereby appropriated for non-public school aid subject to the enactment of enabling legislation.

Of the amount provided hereinabove for State aid for certain libraries, a sum not to exceed \$100,000 shall be made available for the Morris County Free Library to conduct a pilot project on use patterns and unit costs.

General Assistance for Public and Non-Public Education

31100. *Financial Assistance to Local School Districts—State Aid*

31103. Teachers' Pension and Annuity Fund \$172,428,936

Total Appropriation \$172,428,936

Grants-in-Aid:

State contribution to Teachers' Pension and Annuity Fund:

Normal contribution (\$58,177,043)

Accrued liability (25,435,494)

Payment on behalf of local employee veterans appointed after January 1, 1955 (186,810)

Premium for non-contributory insurance (6,759,589)

Social Security Tax (72,400,000)

Pension Increase Act (9,470,000)

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 be paid to the Fund as follows: $\frac{1}{2}$ of such sum may be paid on July 1, 1974 and $\frac{1}{2}$ of such sum may be paid not later than January 1, 1975, and with any earnings received from the investment or deposit of such sum during the period July 1, 1974 through the date of such payment.

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	\$823,636,688*
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540. DEPARTMENT OF HIGHER EDUCATION

Department Management and General Support

39200. *General Support—State Aid*

39210. Support Services	\$35,985,334
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Total Appropriation	\$35,985,334
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Grants-in-Aid for County Colleges:

Capital Projects	(\$1,559,000)
Operational Costs	(30,145,000)
Schools for Industrial Education	(90,000)
Debt Service (NJS 18A:64A-22)	(1,100,000)
Interest on Public Construction Bonds (PL 1968, c. 128)	(2,379,146)
Interest on Higher Education Con- struction Bonds (PL 1971, c. 164) ..	(712,188)

Total Appropriation, Department of Higher Education	\$35,985,334
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The unexpended balance as of June 30, 1974 in this account is 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 provided hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

600. DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61200. *Public Transportation Facilities—State Aid*

61205. Grade Crossing Projects	\$2,000,000
Total Appropriation	<u>\$2,000,000</u>

Extraordinary:

Public share of the cost to eliminate
grade crossings and for other
projects (C48:12-49.1 et seq.) . . . (\$2,000,000)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

An amount of \$2,000,000 for the public share of the cost of eliminating grade crossings (C48:12-49.1 et seq.) is hereby provided from sums previously appropriated from the State Transportation Fund.

An amount of \$4,000,000 for sums heretofore appropriated from the General State Fund, for the cost of eliminating grade crossings during the 1972-73 and 1973-74 fiscal years, shall be reimbursed thereto from the State Transportation Fund.

61500. *Local Highway Facilities—State Aid*

61508. State Aid Road System Projects	\$13,300,000
61509. Construction Engineering	1,319,791
61510. Federal Aid Urban System Projects	15,000,000
61513. County and Municipal Aid	14,205,000

Sub-Total Appropriation	\$43,824,791
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<i>Less: Portion of Federal aid receivable which is applicable to State Aid programs</i>	<i>\$10,500,000</i>
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Total Appropriation	\$33,324,791
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Salaries:

Officers and employees	(\$1,220,744)
Positions transferred from other subcategories	(31,097)
Materials and Supplies	(16,900)
Services Other Than Personal	(51,050)

Extraordinary:

Construction or reconstruction of
municipal roads on the basis of
\$100,000 per county (C27:15-1.14) (\$2,100,000)

Reconstruct county and municipal
roads (C27:13-10 et seq.) (200,000)

Extraordinary State aid for
county highways (PL 1966, c. 33)
Extraordinary State aid for mu-
nicipal highways (PL 1966, c. 33) } (11,000,000)

State aid for county and mu-
nicipal highways (C27:13A-1
et seq.) }

Federal Aid Urban System Proj-
ects (15,000,000)

Construction, reconstruction, main-
tenance and repair, operation, po-

licing, and lighting of county roads and bridges; for the payment of principal and interest of obligations heretofore incurred for any of such purposes and for the extension of the county highway system (C52:27B-20) (8,000,000)

Construction, reconstruction, maintenance and repair of county roads and bridges on the basis of \$55,000 per county (RS 27:14-1)(1,155,000)

Construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads (RS 27:15-1) (4,500,000)

County and municipal aid for lighting (550,000)

Less: Portion of Federal aid receivable which is applicable to State aid programs (10,500,000)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

Total Appropriation, Department of Transportation

\$35,324,791

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, 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 C54:8A-58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

*Personal Health*22400. *Treatment of Communicable Diseases—State Aid*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

It is further recommended that the sums hereinabove provided shall be available for the payment of obligations applicable to prior fiscal years.

*Mental Health*26900. *Management and General Support—State Aid**County Mental Hospitals*

26920. Inpatient Services of County Mental Hospitals	\$18,825,000
Total Appropriation	<u>\$18,825,000</u>

Extraordinary:

Support of patients in County Mental Hospitals (RS 30:4-78) (\$18,825,000)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The sums provided hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Community Mental Health Services

26920. Outpatient and Community Services	\$6,300,000
Total Appropriation	<u>\$6,300,000</u>

Extraordinary:

Establishment, development, improvement and expansion of community mental health services .. (\$6,300,000)

The unexpended balance as of June 30, 1974 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 as prescribed in section 3 of this act.

The sums provided hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Income Security and Human Resource Development

52500. Provision of Income Maintenance to Public Indigents—State Aid

52530. Income Maintenance	\$204,558,150
Total Appropriation	<u>\$204,558,150</u>

Extraordinary:

Payments to municipalities for cost of General Assistance (State share) (C44:8-134)	(\$20,371,770)
Payments for Dependent Children Assistance (State share) (C44:10-4 et seq.)	(151,341,310)
Payments for Families of the Working Poor Assistance (State share) (C44:13-1 et seq.)	(14,245,070)
Payments for Supplementary Security Income (State share)	(18,600,000)

The State net share of reimbursements and the net balances remaining after full payment of sums due the Federal government of all funds recovered under RS 44:7-14, C44:10-4 et seq., C30:4B-1 et seq. and C44:13-1 et seq. during the fiscal year ending June 30, 1975 are hereby appropriated.

The sum provided hereinabove shall be available for payment of obligations applicable to prior fiscal years.

Receipts from State administered towns during the fiscal year ending June 30, 1975 are hereby appropriated.

52600. <i>Social Services for Youth and Families—State Aid</i>	
52620. Residential Services	\$17,479,025
Total Appropriation	<u>\$17,479,025</u>

Extraordinary:

Payment of Child Care costs (State share) (C30:4C-1 et seq.) (\$16,329,025)

Payments for implementation costs of the Juvenile Reform legislation (State share) (PL 1973, c. 306) .. (1,150,000)

The unexpended balance as of June 30, 1974 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 C30:4C-1 et seq. during the fiscal year ending June 30, 1974 and in addition thereto, all such funds recovered under C30:4C-1 et seq. during the fiscal year ending June 30, 1975 are hereby appropriated.

The sum provided hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Management and General Support

79100. *Department Management and General Support—State Aid*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

Total Appropriation, Department of Institutions and Agencies	<u><u>\$247,162,175</u></u>
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800. DEPARTMENT OF COMMUNITY AFFAIRS

*Development of Community Programs and Human Resources*42100. *Community Development Management—State Aid*

42120. Housing	\$3,863,300
42130. Local Government Services	51,483,906*
Total Appropriation	<u>\$55,347,206*</u>

Extraordinary:

Revolving Housing Development and Demonstration Grant Fund . (	\$2,420,000)
Urban renewal assistance	(780,000)
Interest on State Housing Assist- ance Bonds—(PL 1968, c. 127) . . (	663,300)
Public service training internships. (	275,000)
Municipal staff interchange assist- ance	(25,000)
To the capital district for municipal services and in lieu of taxes:	
Trenton	(560,000)
Ewing Township	(300,000)
Training programs	(.....)
For municipal aid (PL 1972, c. 5) . . (.....)
For municipal aid (PL 1973, c. 44) . (.....)
For municipal aid, subject to enact- ment of enabling legislation	(36,693,906)
Safe and clean neighborhoods	(12,000,000)
Municipalities' franchise tax re- placement	(800,000)
For aid to depressed rural areas subject to the enactment of en- abling legislation	
Continuing planning assistance . . . (	180,000)
Interlocal services	(650,000)

The unexpended balance as of June 30, 1974 in the Revolving Housing Development Demonstration Grant Fund account, and receipts are hereby appropriated for the same purpose.

Notwithstanding the limitation on Urban renewal assistance not to exceed 50% of local share, any funds advanced under the provisions of C52:27D-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 amount provided hereinabove for Safe and Clean Neighborhoods shall be available to those municipalities qualifying for Municipal aid subject to enactment of enabling legislation, for the purpose of improving safety and cleanliness of neighborhoods; provided, however, that each recipient municipality match its allocation with an equal amount; and provided further, that no municipality receive more than \$1 million.

The unexpended balance as of June 30, 1974 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.

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 further, however, 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 amount provided hereinabove for Continuing planning assistance shall be used to assist munici-

palities with master plans and 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 \$5,000 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 \$7,000 in any given year; and that the State share to a county or Regional Planning agency shall not exceed \$7,000 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.

The sum provided hereinabove for Continuing planning assistance shall be available for the payment of obligations applicable to prior fiscal years.

Management and General Support

49100. *Department Management—State Aid*

49190. Department Management	\$541,990
Total Appropriation	<u>\$541,990</u>

Salaries:

Officers and employees	(\$490,790)
Materials and Supplies	(8,700)
Services Other Than Personal	(42,250)

Maintenance of Property:

Non-recurring and replacements ..	(250)
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Income Security and Human Resource Development

52300. *Human Resource Development—State Aid*

52310. Human Resources	\$6,226,356
Total Appropriation	<u>\$6,226,356</u>

Extraordinary:

Community development	(\$2,683,000)
County Offices on Aging	(299,000)
Program development	(550,000)
Economic opportunity programs ...	(1,030,000)
Youth employment program	(1,664,356)

From the amount provided hereinabove for Program development, an amount of \$300,000 shall be used for special assistance projects for Spanish speaking organizations.

The amount provided hereinabove for Economic opportunity programs is hereby made available for expenditure contingent upon receipt of not less than 25% from non-State fund sources; provided, however, that not more than \$130,000 may be expended without matching funds.

The amount provided hereinabove for Youth employment program is hereby made available for expenditure contingent upon receipt of an equal sum from non-State sources; provided, however, that not more than \$166,000 may be expended without matching funds.

From the amount provided hereinabove for Community development, an amount not to exceed \$83,000 shall be used to provide assistance to Ewing Township for the completion of recreation facilities and a community center in the Hollowbrook development.

The unexpended balance as of June 30, 1974, in this account not to exceed \$250,000, is hereby appropriated.

Total Appropriation, Department of Community Affairs	\$62,115,552*
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970. THE JUDICIARY

*Judicial Affairs*73100. *Court Operations—State Aid*

73130. County courts	\$1,493,673
Total Appropriation	<u>\$1,493,673</u>

Extraordinary:

Amounts to be paid to various counties representing 40% of the salaries of county court judges (NJS 2A:3-19) (\$1,395,786)

Reimbursement to counties for the cost of county court judges temporarily assigned to the Superior Court outside their counties (C2A:3-19.1) (9,887)

Reimbursement to counties for certain expenses incurred in connection with the prosecution and defense of defendants accused of committing crimes in State penal or correctional institutions (C2A:166A-1 et seq.) (13,000)

Reimbursement for 50% of expenses in connection with the disposition of cases transferred from other counties (PL 1973, c. 271) (75,000)

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The sum provided hereinabove shall be available for the payment of obligations applicable to prior fiscal year.

Total Appropriation, The Judiciary	\$1,493,673
Total Appropriation, State Aid	<u>\$1,271,869,522*</u>

CAPITAL CONSTRUCTION

100. DEPARTMENT OF LAW AND PUBLIC SAFETY

11100. *Regulation of Motor Vehicles*

Capital Construction:

Motor vehicle agency, Rahway	\$60,000
Inspection station, East Bergen County— Planning	42,000
Motor vehicle weight stations	135,000
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Total Appropriation	\$237,000
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The unexpended balance as of June 30, 1974 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.

11200. *State Police*

Capital Construction:

Troop headquarters and garage, Morristown (Planning)	\$100,000
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Total Appropriation	\$100,000
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The unexpended balance as of June 30, 1974 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.

11300. *Legal, Administrative and Support Services*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

11400. *Protection of Individual Rights*

Capital Construction:

Volumetric laboratory, Trenton	\$103,000
Total Appropriation	\$103,000
Total Appropriation, Department of Law and Public Safety	\$440,000

200. DEPARTMENT OF THE TREASURY

78100. *Central Support Services*

Physical Plant Operation and Maintenance

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

79100. *Department Management*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The balance in the Advance Planning and Architectural Services Revolving Fund as of June 30, 1974, 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.

340. DEPARTMENT OF DEFENSE

13100. *National Guard and Civil Defense*

Capital Construction:

Salem Armory	\$35,000
Cherry Hill Armory, addition	110,000
Fuel oil preheaters	105,000

Total Appropriation, Department of Defense	\$250,000
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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, 1974 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.

350. DEPARTMENT OF PUBLIC UTILITIES

34500. *Public Broadcasting*

Capital Construction:

Redemption of Public Building Construction Bonds—PL 1968, c. 128	\$136,000
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Total Appropriation, Department of Public Utilities	\$136,000
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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.

360. DEPARTMENT OF HEALTH

23300. *Narcotic and Drug Abuse Control*

Capital Construction:

Redemption of Public Building Construction Bonds—PL 1968, c. 128	\$108,000
Total Appropriation, Department of Health	\$108,000

400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

41300. *Resource Management**Water Supply Management*

Capital Construction:

Miscellaneous culvert replacement, Delaware and Raritan Canal	\$44,000
Total Appropriation	\$44,000

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The proceeds derived from the sale or exchange of State-owned land, and/or buildings heretofore acquired under RS 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.

41300. *Resource Management**Marine Lands Management*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The proceeds derived from the sale or exchange 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.

Wildlife and Fisheries Management

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

46100. *Recreation Opportunities*

Parks Management

Capital Construction:

Control, forest, parks and recreational development	\$1,050,000
Historical restoration for Bicentennial	525,000
Wharton-Batsto-Atsion development	575,000
Sanitary facilities	1,000,000
Wawayanda State park	1,000,000
Monmouth Battlefield	2,350,000
Liberty Park development	1,000,000
Round Valley development	1,500,000
<i>Less: Federal participation</i>	<i>2,000,000</i>
 Total Appropriation	 \$7,000,000

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The unexpended balance of the proceeds derived from the sale or exchange of State-owned land and proceeds from the sale of all fill material, heretofore acquired under Title 13 is hereby appropriated for the purpose described in Title 13 and particularly as set forth in RS 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*

Capital Construction:

Redemption of Water Development Bonds (PL 1958, c. 35)	\$2,500,000
Redemption of Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	2,600,000
Redemption of Water Conservation Bonds (PL 1969, c. 127)	2,125,000
Total Appropriation	<hr/> \$7,225,000 <hr/>
Total Appropriation, Department of En- vironmental Protection	<hr/> \$14,269,000 <hr/>

500. DEPARTMENT OF EDUCATION

31200. *General Assistance Programs for Public Schools*

Capital Construction:

Redemption of Public Building Construction Bonds (PL 1968, c. 128)	\$497,000
Total Appropriation	<hr/> \$497,000 <hr/>

32500. *Career Development*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

34100. *Programs for the Deaf*

Capital Construction:

Renovations, older buildings	\$50,000
Total Appropriation	<hr/> \$50,000 <hr/>

The unexpended balance as of June 30, 1974 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
Temperature and humidity controls	60,000

Total Appropriation	<u>\$110,000</u>
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The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

Total Appropriation, Department of Educa- tion	<u><u>\$657,000</u></u>
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DEPARTMENT OF HIGHER EDUCATION

33970. *Higher Education—Institutional Programs*

570-170. *Rutgers, The State University*

Capital Construction:

Mortgage Redemption	\$250,000
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Total Appropriation	<u>\$250,000</u>
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The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

572-170. *Agricultural Experiment Station*

The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

573-170. *College of Medicine and Dentistry of New Jersey*

The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

594-170. *State College Construction*

Capital Construction:

The unexpended balance as of June 30, 1974 in
this account is hereby appropriated.

39200. *Department Management and General Support
Redemption of Bonds*

Capital Construction:

Redemption of State Higher Education Bonds (PL 1959, c. 10)	\$7,000,000
Redemption of State Higher Education Construc- tion Bonds (PL 1964, c. 142)	1,000,000
Redemption of State Public Buildings Construc- tion Bonds (PL 1968, c. 128)	3,660,000
Total Appropriation	<u>\$11,660,000</u>

Other Capital Construction

Miscellaneous Capital Projects	\$250,000
Total Appropriation	<u>\$250,000</u>

The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

Total Appropriation, Department of Higher Education	<u><u>\$12,160,000</u></u>
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612. DEPARTMENT OF TRANSPORTATION

61100. *State Highway Facilities—State Highway Construction **

Capital Construction:

61101. Federal Aid Interstate Highway Projects	\$9,396,232
61102. Federal Aid Primary Urban Exten- sions—Highway Projects	5,458,994
61104. Federal Aid Primary—Rural Highway Projects	3,426,322
61106. Non-Federal Aid Highway Projects	23,000,000
61110. Federal Aid Urban System Projects ...	17,917,557
61113. Federal Aid Priority Primary Highway Projects	2,173,523
Sub-Total Appropriation, Projects	<u>\$61,372,628</u>
61109. Highway Construction Engineering	<u>\$11,992,088</u>

Salaries:

Officers and employees	(\$24,104,873)
Positions transferred from other subcategories	(14,281)
Materials and Supplies	(272,165)
Services Other Than Personal	(3,015,769)

Maintenance of Property:

Recurring	(10,000)
Non-recurring and replacements ..	(25,000)
Additions and Improvements	(50,000)

Less: Portion of Federal aid receivable which is applicable to highway construction engineering costs (9,000,000)

Less: Portion of construction program to be allocated for the cost of State employees in lieu of personal services by contract for engineering, design, construction and right-of-way acquisition (6,500,000)

Total Appropriation, State Highway Facilities—State Highway Construction

\$73,364,716

The unexpended balance as of June 30, 1974 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, the New Jersey Sports and Exposition 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, with the recommendation of the Director of the Division of Budget and Accounting 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 \$3,000,000 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 for Non-Federal Aid Highway Projects the sum of \$12,000,000 shall be used for projects within the purview of C54:8A-58 et seq. (Transportation Benefits Tax Act) and shall first be charged to the Transportation Benefit Fund established in said act.

The sum provided herein for Federal Aid Urban System projects may be allocated by the Commissioner of Transportation for construction of Local Highway Facilities; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Of the amount provided herein for Federal Aid Urban System projects, the sum of \$9,000,000 may be used for Non-Federal Aid Highway Projects; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Physical Plant Construction Projects

Capital Construction:

Maintenance facilities	\$1,000,000
Fernwood complex, safety improvements	200,000
Total Appropriation	\$1,200,000

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

Funds from the sale or exchange of any buildings or land held by the Division of Central Service are hereby appropriated for the acquisition of other land, for rehabilitation or improvement of existing installations and for the construction of new buildings; provided, however, that the expenditure thereof shall be subject to transfers as prescribed in section 3 of this act.

61200. *Public Transportation Facilities**

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

61400. *Redemption of Bonds*

Capital Construction:

61403. Redemption of Highway Improvement Bonds (PL 1930, c. 288)	\$615,000
61404. Redemption of State Transportation Bonds (PL 1968, c. 126)	9,450,000

Total Appropriation	\$10,065,000
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Total Appropriation, Department of Transportation	\$84,629,716
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Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, 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 C54:8A-58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, shall first be charged to the Transportation Benefit Fund established in such act.

700. DEPARTMENT OF INSTITUTIONS AND AGENCIES

79100. *Department Management and General Support
Redemption of Bonds*

Capital Construction:

Redemption of Institution Construction Bonds (PL 1960, c. 156)	\$1,800,000
Redemption of Institution Construction Bonds (PL 1964, c. 144)	2,000,000
Redemption of Public Building Construction Bonds (PL 1968, c. 128)	1,699,000
Total Appropriation	<u>\$5,499,000</u>

700-170. *Division of Business Management*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

700-180. *Division of Community and Professional Services*

Capital Construction:

Fire protection and life safety	\$78,000
Total Appropriation	<u>\$78,000</u>

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

717-170. *Division of Youth and Family Services*

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

730-170. *Division of Correction and Parole*

Capital Construction:

Renovate kitchen facilities	\$1,000,000
Total Appropriation	\$1,000,000

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

The unexpended balance as of June 30, 1974 of the amount provided from State Lottery Fund sources for Equipment for Vocational Shop at Trenton State Prison is hereby appropriated for vocational training equipment in the Division of Correction and Parole.

The unexpended balance in excess of \$345,000 as of June 30, 1974 in the account Administrative Segregation Units Trenton, Rahway, and Vroom Building is hereby appropriated.

760-170. *Division of Mental Retardation*

Capital Construction:

Renovate kitchen facilities	\$300,000
Life safety and fire protection, Hunterdon State School	419,000
Life safety and fire protection, Edward R. Johnstone Training and Research Center	157,000
Sub-Total Appropriation, Division of Mental Retardation	\$876,000

The unexpended balance as of June 30, 1974 in this account is hereby appropriated.

770-170. *Division of Mental Health and Hospitals*

Capital Construction:

Community mental health centers	\$750,000
Renovate kitchen facilities	1,000,000
Life safety and fire protection, Marlboro State Hospital	295,000
Repair roofs, Ancora Psychiatric Hospital	288,000
Life safety and fire protection, Ancora Psy- chiatric Hospital	322,000
Total Appropriation	<u>\$2,655,000</u>

The unexpended balance as of June 30, 1974 in this
account is hereby appropriated.

Total Appropriation, Department of Institu- tions and Agencies	<u><u>\$10,108,000</u></u>
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800. DEPARTMENT OF COMMUNITY AFFAIRS

42100. *Development of Community Programs and Human
Resources**Redemption of Bonds*

Capital Construction:

Redemption of State Housing Assistance Bonds (PL 1968, c. 127)	\$600,000
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Total Appropriation, Department of Com- munity Affairs	<u><u>\$600,000</u></u>
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MISCELLANEOUS EXECUTIVE COMMISSIONS

46100. *Recreation Management*911-170. *Palisades Interstate Park Commission*

The net share of revenues derived from the opera-
tion 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, 1974 are hereby appropriated for

maintenance of such stations, for non-recurring or emergency Parkway maintenance and for capital projects and plans.

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.

41300. *Resource Management*

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, 1974 in this account is hereby appropriated.

Total Appropriation, Miscellaneous Executive Commissions

\$2,000

Total Appropriation, Capital Construction ..

\$123,359,716

Grand Total Appropriation

\$2,756,095,978*

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 and the unexpended balance as of June 30, 1974 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; private funds contributed to the

State; 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 transfers in excess of \$200,000, other than transfers from lump sum accounts and of non-State funds, shall be transmitted to the Executive Director, Office of Fiscal Affairs, for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within five working days; provided further, however, that no sum appropriated for any capital improvement, except as otherwise provided, shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary 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. Notwithstanding the provisions of section 1 of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$250 out of any appropriations made to any departments, provided such claim is recommended for payment by the head of such department. Any claimant who has presented a claim not exceeding \$250 which has been denied or not recommended by the head of such department shall be precluded from presenting said claim to the Legislature for consideration. Notice and description of such claim payment as hereinabove described shall be transmitted to the 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, 1974 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, 1974 in accounts of appropriations enacted subsequent to April 1, 1974 are hereby appropriated as determined by the Director of the Division of Budget and Accounting.

18. This act shall take effect July 1, 1974.

Approved June 28, 1974.

STATEMENT ON SENATE BILL No. 1150

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1150 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.

“200. Department of the Treasury”

On Page 18:

Lines 3-4 “71230. Management of Data Processing and Telecommunications 742,525”

This item is reduced to \$707,525.

On Page 19:

Line 11 “Total Appropriation \$9,550,406”

This item is reduced to \$9,515,406.

On Page 19:

Lines 24A-24C “for the purchase of services for intergovernmental visual communications ... (35,000)”

This item is deleted in its entirety.

On Page 24:

Lines 6-7 “Total Appropriation, Department of the Treasury \$39,821,995”

This item is reduced to \$39,786,995.

“300. Department of State”

On Page 24:

Line 1 “34610. Development Support \$890,352”

This item is reduced to \$790,352.

On Page 24:

Line 2 “Total Appropriation \$890,352”

This item is reduced to \$790,352.

On Page 25:

Lines 18-19 “Contracts with Opera Theatre of New Jersey (200,000)”

This item is reduced to \$100,000.

On Page 26:

Line 21 “Total Appropriation, Department of State \$2,161,390”

This item is reduced to \$2,061,390.

“330. *Department of Agriculture*”

On Page 29:

Line 3 “41130. Resource Development Services . . . 470,345”
This item is reduced to \$380,345.

On Page 29:

Line 4 “Total Appropriation \$1,796,106”
This item is reduced to \$1,706,106.

On Page 29:

Lines 23A-23B “grants to Soil Conservation
Districts (90,000)”
This item is deleted in its entirety.

On Page 31:

Lines 14-15 “Total Appropriation, Department
of Agriculture \$3,977,649”
This item is reduced to \$3,887,649.

“400. *Department of Environmental Protection*”

On Page 47:

Line 1 “41310. Water Supply Management \$1,203,544”
This item is reduced to \$1,163,544.

On Page 47:

Line 13 “Total Appropriation \$7,562,719”
This item is reduced to \$7,522,719.

On Page 48:

Line 36A “Survey of Jacobs Creek watershed . . (40,000)”
This item is deleted in its entirety.

On Page 52:

Line 3 “49120. Program Management 927,199”
This item is reduced to \$902,199.

On Page 52:

Line 5 “Total Appropriation \$12,232,428”
This item is reduced to \$12,207,428.

On Page 53:

Lines 32A-32B “State contribution to the
Cohanziack Free Public Zoo in Bridgeton (25,000)”
This item is deleted in its entirety.

On Page 54:

Lines 10-11 “Total Appropriation, Department
of Environmental Protection \$35,110,507”
This item is reduced to \$35,045,507.

“Department of Higher Education”

On Page 64:

Line 6 “33970. Institutional Support 3,213,313”

This item is reduced to \$3,163,313.

On Page 64:

Line 7 “Total Appropriation \$16,493,395”

This item is reduced to \$16,443,395.

On Page 65:

Line 13 “Services Other Than Personal (857,972)”

This item is reduced to \$807,972.

On Page 74:

Line 75 “not to exceed \$350,000”

The foregoing part of this item is **deleted**.

On Page 81:

Lines 58-59 “Total Appropriation, Department
of Higher Education \$309,914,269”

This item is reduced to \$309,864,269.

“600. Department of Transportation”

On Page 82:

Lines 24-41 “Of the amount provided hereinabove for Traffic signals, signs, lighting, and safety improvements, a sum not to exceed \$30,000 shall be used for the installation of traffic signals in Pennsville Township in Salem County at either Rt. 49 and Pennsville Shopping Center, Rt. 49 and Churchtown Landing Road, or Rt. 49 and William Penn Avenue.

Of the amount provided hereinabove for construction, reconstruction, improvement, or rebuilding of State highways including resurfacing and major bridge repairs or rehabilitation, a sum not to exceed \$10,000 shall be used for installation of curbing on both sides of Rt. 24 between Fairmount Avenue and Hillside Avenue in Chatham and an amount not to exceed \$100,000 shall be used for safety features and the installation of a barrier curb on Rt. 46 in Mount Olive Township.”

The foregoing part of this item is **deleted**.

On Page 86:

Lines 48-48A “, including a feasibility study on the activation of the West Shore Railroad”

The foregoing part of this item is **deleted**.

“Inter-Departmental Accounts”

On Page 124:

Lines 124-139 “Of the sum hereinabove appropriated for Salary and Other Benefits, the following amounts shall be made available subject to enactment of enabling legislation; an amount not to exceed \$680,000 for additional costs resulting from an increase in the mileage allowance for State employee automobiles used on State business at the rate of 14¢ per mile; an amount not to exceed \$320,000 for an expanded vacation schedule as provided in Assembly No. 4 or similar legislation; and an amount not to exceed \$412,000 to reduce to 24 months from the effective date of retirement the waiting period for newly retired State employees eligible to receive adjustments under the pension increase act (N. J. S. A. 43:3B), effective April 1, 1975.”

The foregoing part of this item is deleted.

On Page 127:

Lines 20-21 “Total Appropriation, General State

Operations \$1,361,206,740”

This item is reduced to \$1,360,866, 740.

“400. Department of Environmental Protection”

On Page 131:

Line 2 “41330. Marine Lands Management 2,252,576”

This item is reduced to \$1,969,351.

On Page 131:

Line 3 “Total Appropriation \$3,568,576”

This item is reduced to \$3,285,351.

On Page 132:

Lines 15A-15E “To the town of Keansburg for repayment to the State for costs incurred on their behalf due to contract overruns on hurricane protection projects (283,225)”

This item is deleted in its entirety.

On Page 133:

Lines 24-25 “Total Appropriation, Department of Environmental Protection \$4,243,576”

This item is reduced to \$3,960,351.

“500. Department of Education”

On Page 134:

Lines 1-2 “32110. Programs for the Disadvantaged and Handicapped \$1,050,000”

This item is reduced to \$1,000,000.

On Page 134:

Lines 1-2 “34310. State Museum and New Jersey School of the Arts \$522,195”

This item is reduced to \$482,195.

On Page 134:

Line 2 “Total Appropriation \$651,297,752”

This item is reduced to \$651,207,752.

On Page 135:

Lines 16A-B “Bergen County Museum (15,000)
Morris Museum of Arts and Sciences (25,000)”

These items are deleted in their entirety.

On Page 136:

Lines 61A-61C “Pilot project for a summer education and recreation program for handicapped children (50,000)”

This item is deleted in its entirety.

On Page 138:

Lines 34-35 “Total Appropriation, Department of Education \$832,726,688”

This item is reduced to \$823,636,688.

“800. Department of Community Affairs”

On Page 143:

Line 2 “42130. Local Government Services 51,883,906”

This item is reduced to \$51,483,906.

On Page 143:

Line 3 “Total Appropriation \$55,747,206”

This item is reduced to \$55,347,206.

On Page 144:

Lines 24A-24C “for aid to depressed rural areas subject to the enactment of enabling legislation (400,000)”

This item is deleted in its entirety.

On Page 147:

Lines 34-35 "Total Appropriation, Department
of Community Affairs \$62,515,552"

This item is reduced to \$62,115,552.

On Page 147:

Line 30 "Total Appropriation, State Aid \$1,272,642,747"

This item is reduced to \$1,271,869,522.

"612. Department of Transportation"

On Page 156:

Lines 94-102 "Of the amount provided hereinabove for State highway construction, a sum not to exceed \$40,000 shall be used for an engineering study to plan improvements on the Laurelton Circle in Brick Township and a sum not to exceed \$350,000 shall be used for the construction of jughandles and the installation of traffic lights on State Highway 70 at the entrances to Leisure Village and Leisure Village East."

The foregoing part of this item is deleted.

On Page 157:

Lines 15-20 "There may be allocated from sums previously appropriated from the State Transportation fund such amounts as may be necessary for Activation of the West Shore Railroad, contingent upon at least 80% participation by the Federal government."

The foregoing part of this item is deleted.

"Miscellaneous Executive Commissions"

On Page 160:

Line 11 "Grand Total Appropriation \$2,757,209,203"

This item is reduced to \$2,756,095,978.

The item on page 19 would involve the State of New Jersey in the Metropolitan Regional Council's closed circuit television system established to facilitate viewing of governmental activities. Participation in the system would cost substantially more than the \$35,000 appropriated in this bill for equipment rental and maintenance. Additional funds would be needed for operating expenses, scheduling and coordination personnel, studio space and equipment storage space.

The item on page 25 is being reduced from \$200,000 because the Opera Theatre appealed to the Joint Appropriations Committee for an appropriation in excess of the request recommended by the Division of Budget and Accounting. The Council on the Arts requested \$1,599,182 for fiscal year 1975, \$200,000 for the Opera Theatre. The Division recommended \$730,000, \$100,000 for the Opera Theatre. In preparing the requests and recommendations, the Council and the Division established priorities among the subsidized fine arts organizations. The Opera Theatre's appeal to the Committee, and the consequent increase from \$100,000 to \$200,000, alters these studied plans and priorities. In the future, in addition to any subsidized fine arts organization's being limited to subsidies approved by the Council on the Arts, the Council should monitor expenditures by the subsidized organizations to ensure proper accounting and efficiency, and should report its findings annually to the Department.

The item on page 29 establishes a new grant program in the Department of Agriculture which would provide funds to soil conservation districts even though no enabling act authorizes such funds. Soil conservation districts are currently eligible for grants under a program established in the New Jersey Department of Environmental Protection pursuant to P. L. 1972, c. 49. The new program represented by this \$90,000 appropriation would interfere with effective program management and promote unnecessary competition between the Department of Environmental Protection and the Department of Agriculture.

The item on page 48 establishes a priority for a flood plain and watershed survey for the Jacobs Creek Watershed which does not conform to the Department of Environmental Protection's priorities. Such surveys are normally done by the Department, which has not requested funds for a survey of the Jacobs Creek Watershed.

The item on page 53 continues an anomaly in the State of New Jersey in that the Bridgeton Public Zoo is the only State-subsidized zoo currently operating. The Division of Parks and Forestry in the Department of Environmental Protection has never requested such an appropriation.

The item on page 65 represents an increase in the Glassboro State College budget to provide \$50,000 in lieu of taxes to the Town of Glassboro, which presently receives \$2,500 pursuant to R. S. 54:4-21. Two bills pending in the Legislature, S-1245 and A-1874, would provide state in lieu of tax payments to all munici-

palities, not just Glassboro, in which the State owns any land. The pending bills, which I fully support, would make this individual appropriation unnecessary.

The item on page 74 provides \$350,000 for evening legal education at Rutgers University. The Rutgers University Board of Governors has endorsed the development of evening law schools and plans to submit formal recommendations to the Board of Higher Education in the near future. It is understood that the plans cannot be implemented until fiscal 1976, the 1975-76 school year. Therefore, the directed expenditure is unnecessary in this annual appropriations bill.

The items on pages 82, 86 and 156 include directions to the Department of Transportation regarding the expenditure of certain sums of money which are subsumed in the overall appropriation to the Department. The annual appropriations bill is an inappropriate vehicle for determining departmental priorities, and effective program management dictates that the Department decide for itself which highways and projects are most in need of work. On the other hand, some of the specific projects contained in the directions to the Department, particularly "the construction of jughandles and the installation of traffic lights on State Highway 70," have my support, and the Department has assured me that these projects will proceed.

The item on page 124 includes directions as to the expenditure of some of the \$2,000,000 requested by me and appropriated at page 121 for "additional salary and fringe benefits resulting from negotiated contractual agreements with various employee negotiations." The specific directions do not match the requirements of agreements consummated through collective negotiations, or the requirements of enacted legislation. For example, A-4 alters the amount of vacation time accruing to some State employees, but bears a cost different from the \$320,000 included in the annual appropriations bill's direction. Since collective negotiations have allocated the \$2,000,000 differently from this bill, these directions are unnecessary and inappropriate.

The item on page 132 provides funds to the Town of Keansburg so that funds advanced by the State on behalf of Keansburg may be repaid. The State's obligation in the beach erosion and hurricane protection project begun in 1963 which is the subject of this appropriation, was at the time limited to 50% of the non-federal share of the project. The State, however, paid the entire local and state share to the federal government, the contracting au-

thority, with the expectation of reimbursement from various units of government. All units of local government except Keansburg have reimbursed the State, but Keansburg has refused to pay its fair share. This \$283,225 therefore not only undermines agreements long in effect, but could lead the other units of local government, which have already paid their fair share, to request similar assistance from the State.

The items on page 135 relate to two small museums singled out from among 20 or more throughout the State for special assistance. There has been no serious consideration given as to whether the type of museum aid program of which these appropriations can only be regarded as a beginning is advisable, and whether the total cost of such programs can be borne. For example, the State currently provides the Newark Museum \$482,195, or about $\frac{1}{3}$ of the full cost. Were such support to be provided all museums in the State, appropriations in future fiscal years would far exceed \$40,000 encompassed by these two items.

The item on page 136 assists the operation of a camp for handicapped children in Passaic County. Although such camps are beneficial, serious consideration should be given as to whether the State should in general subsidize similar camps in other counties. As it stands now, this \$50,000 appropriation represents a type of expenditure the implications of which have not been completely analyzed.

The item on page 144 provides aid to rural areas despite the Legislature's failure to enact enabling legislation for this type of program. It is also important to note that several administration bills currently pending in the Legislature, by having the State assume more of the costs of welfare, courts and the schools may well make the type of assistance contemplated by this appropriation unnecessary.

The item on page 157 includes a direction to the Department of Transportation to expend funds from the State Transportation Fund for the activation of the West Shore Railroad contingent upon receipt of federal funding. This type of provision would impede the State's flexibility in seeking and receiving the maximum available federal funding.

Respectfully,

[SEAL]

/s/ BRENDAN BYRNE,

Attest:

Governor

/s/ DONALD LAN,

Executive Secretary to the Governor

CHAPTER 59

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, 1975 and regulating the disbursement thereof," which is presently pending before the New Jersey Senate as Senate Bill No. 1150.

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, 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:

14000. DEPARTMENT OF INSURANCE

REGULATION OF INDUSTRY

14290. Management and general support \$200,000

2. This act shall take effect July 1, 1974.

Approved June 28, 1974.

CHAPTER 60

A SUPPLEMENT to 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. The authority is directed to prepare a study examining the feasibility and practicability of constructing and operating a railroad upon lands heretofore and hereafter acquired by the authority as right-of-way for the project addition and extension authorized by P. L. 1972, c. 28 (C. 27:23-23.3 et seq.). The study which shall be paid for from funds of the authority shall be prepared in accordance with guidelines and procedures specified by the Depart-

ment of Transportation. At the completion of such study the authority shall furnish promptly a report thereof to the Governor and to the Commissioner of the Department of Transportation.

2. This act shall take effect immediately.

Approved June 28, 1974.

CHAPTER 61

AN ACT to amend the "New Jersey Mortgage Finance Agency Law," approved May 4, 1970 (P. L. 1970, c. 38).

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

1. Section 6 of P. L. 1970, c. 38 (C. 17:1B-9) is amended to read as follows:

C. 17:1B-9 Loans; rules and regulations; conditions.

6. (a) The agency shall from time to time make loans to mortgage lenders so as to furnish, as rapidly as possible, funds to mortgage lenders for new residential mortgages.

(b) The agency shall from time to time adopt, modify, amend or repeal rules and regulations governing the making of such loans to mortgage lenders and the application of the proceeds thereof, including rules and regulations as to any or all of the following:

(1) Procedures for the submission of requests or the invitation of proposals for loans;

(2) Standards and requirements as to allocations of loans among all or certain of the mortgage lenders or awards of loans and determining the amounts and interest rates thereof;

(3) limitations or restrictions as to the number of family units, location or other qualifications or characteristics of residences to be financed by new residential mortgages;

(4) Restrictions as to the interest rates on new residential mortgages or the return realized therefrom by mortgage lenders;

(5) Requirements as to commitments by mortgage lenders with respect to new residential mortgages;

(6) Schedules of any fees and charges necessary to provide for expenses and reserves of the agency; and

(7) Any other matters related to the duties and the exercise of the powers of the agency under this section.

Such rules and regulations shall be designed to effectuate the general purposes of this act and the following specific objectives: (i) the expansion of the supply of funds in the State available for new residential mortgages; (ii) the provision of the additional housing needed to remedy the shortage of adequate housing in the State and eliminate the existence of a large number of substandard dwellings; and (iii) the effective participation by mortgage lenders in the program authorized by the act and the restriction of the financial return and benefit thereto from such program to that necessary and reasonable to induce such participation.

(c) Loans to mortgage lenders shall be general obligations of the respective mortgage lenders owing the same and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with this section, all as the agency shall by resolution determine.

(d) Any other provision of this section to the contrary notwithstanding, the interest rate or rates and other terms of the loans to mortgage lenders made from the proceeds of any issue of bonds of the agency shall be at least sufficient so as to assure the payment of said bonds and the interest thereon as the same become due from the amounts received by the agency in repayment of such loans and interest thereon.

(e) The agency shall require as a condition of each loan to a mortgage lender that such mortgage lender shall thereafter proceed as promptly as practicable to make and disburse from such loan proceeds, new residential mortgages having a stated maturity of not less than 15 years from the date thereof in an aggregate principal amount equal to the amount of such loan.

(f) The agency shall require that such loans to mortgage lenders shall be additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security in such amounts as the agency shall by resolution determine to be necessary to assure the payment of such loans and the interest thereon as the same become due. Such collateral security shall consist of (i) direct obligations of, or obligations guaranteed by, the United States of America; (ii) bonds, debentures, notes or other evidences of indebtedness, satisfactory to the agency, issued by any of the following Federal agencies: Bank for Cooperatives,

Federal Intermediate Credit Bank, Federal Home Loan Bank System, Export-Import Bank of Washington, Federal Land Banks, the Federal National Mortgage Association or the Government National Mortgage Association; (iii) direct obligations of or obligations guaranteed by the State, obligations of governmental units of this State, including, but not limited to, capital notes, bond anticipation notes, tax anticipation notes and temporary notes or loan bonds, provided the obligations are rated as least A-1 by Moody's Bond Guide or AA by Standard and Poor's Bond Record or Survey; (iv) mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest; or (v) other mortgages secured by real estate on which there is located a one-to four-family dwelling, the collateral value of which shall be determined by regulations issued from time to time by the agency. The agency may require that such mortgages be insured by a mortgage guaranty insurance company licensed to do business by the State of New Jersey. The agency may require that 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 the 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. Such depository arrangement shall be subject to prior approval by the agency. In the absence of such depository arrangement a mortgage lender shall upon receipt of the loan proceeds from the agency enter into an agreement with the agency containing such provisions as the agency shall deem necessary to adequately identify and maintain such collateral and service the same and shall provide that such mortgage lender shall hold such collateral as an agent for the agency and shall be held accountable as the trustee of an express trust for the application and disposition thereof and the income therefrom solely to the uses and purposes in accordance with the provisions of such agreement. A copy of each such agreement and any revisions or supplements thereto shall be filed with the Secretary of State and no further filing or other action under Title 12A, Commercial Transactions, of the New Jersey Statutes or any other law of the State shall be required to perfect the security interest of the agency in such collateral or any additions thereto or substitutions therefor, and the lien and trust for the benefit of the agency so created shall be binding from and after the time made against all parties having claims of any kind in

tort, contract, or otherwise against such mortgage lender. The agency may also establish such additional requirements as it shall deem necessary with respect to the pledging, assigning, setting aside, or holding of such collateral and the making of substitutions therefor or additions thereto and the disposition of income and receipts therefrom.

(g) The agency shall require the submission to it by each mortgage lender to which the agency has made a loan of evidence satisfactory to the agency of the making of new residential mortgages as required by this section and prescribed by rules and regulations of the agency and in connection therewith may inspect the books and records of such mortgage lender.

(h) The agency may require as a condition of any loans to mortgage lenders such representations and warranties as it shall determine to be necessary to secure such loans and carry out the purposes of the act.

(i) All new residential mortgages made as required by this section shall comply with the applicable provisions of the laws of the State, and, where Federal law or the law of another jurisdiction govern the affairs of the mortgage lender, shall comply with applicable provisions of such law.

(j) Compliance by any mortgage lender with the terms of this section and its undertaking to the agency with respect to the making of new residential mortgages may be enforced by decree of the Superior Court. The agency may require as a condition of any loan to any mortgage lender the consent of such mortgage lender to the jurisdiction of the Superior Court over any such proceeding. The agency may also require agreement by any mortgage lender, as a condition of the loan to such mortgage lender, to the payment of penalties to the agency for violation by the mortgage lender of any provision of this section or its undertaking to the agency with respect to the making of new residential mortgages, and such penalties shall be recoverable at the suit of the agency.

(k) If at any time the agency shall determine that an adequate supply of funds exists in regular banking channels for new residential mortgages, the agency shall discontinue the making of loans to mortgage lenders until such time as the agency may subsequently determine that the supply of funds available for new residential mortgages is again inadequate.

2. This act shall take effect immediately.

Approved June 27, 1974.

CHAPTER 62

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

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

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

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

5. Every employer shall pay to each of his employees wages at a rate of not less than \$2.00 per hour as of the effective date of this amendatory and supplementary act, and \$2.20 per hour as of January 1, 1975, for 40 hours of working time in any week and $1\frac{1}{2}$ times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C. 34:11-56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to employees engaged in domestic service in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15) or to persons employed as salesmen of motor vehicles; or to persons employed as outside salesmen as such term shall be defined and delimited in regulations adopted by the commissioner.

The provisions of this section for the payment to an employee of not less than $1\frac{1}{2}$ times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm, or employed in a hotel or to an employee of a common carrier of passengers by motor bus or employees engaged in labor relative to the raising or care of livestock.

Day haul employees engaged on a piece-rate basis to labor on a farm shall be paid for each day worked not less than the minimum hourly wage rate multiplied by the total number of hours worked. For the purposes of this act, day haul employees shall mean persons employed to labor on a farm on a daily basis without provision for living quarters at the place of his employment.

C. 34:11-56a4.3 Applicability of act.

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

3. This act shall take effect on the expiration of 30 days following enactment.

Approved July 3, 1974.

CHAPTER 63

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

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

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

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

5. Every employer shall pay to each of his employees wages at a rate of not less than \$2.00 per hour as of the effective date of this amendatory and supplementary act, and \$2.20 per hour as of January 1, 1975, for 40 hours of working time in any week and one and one-half times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C. 34:11-56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to part-time employees primarily engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15) or to persons employed as salesmen of motor vehicles; or to persons employed as outside salesmen as such terms shall be defined and delimited in regulations adopted by the commissioner.

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

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

C. 34:11-56a4.3 Applicability of act.

2. The provisions of this act shall be applicable to wages covered by wage orders issued pursuant to section 17 of P. L. 1966, c. 113 (C. 34:11-56a 16).

3. This act shall take effect 30 days after its enactment.

Approved July 3, 1974.

CHAPTER 64

AN ACT to amend "An act relating to public works contracts in certain cases, providing for prevailing wages, imposing duties upon the Commissioner of Labor and Industry, and providing remedies and penalties," approved September 3, 1963 (P. L. 1963, c. 150).

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

1. Section 2 of P. L. 1963, c. 150 (C. 34:11-56.26) is amended to read as follows:

C. 34:11-56.26 Definitions.

2. As used in this act:

(1) "Department" means Department of Labor and Industry of the State of New Jersey.

(2) "Locality" means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the "locality"

the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workmen in such craft or trade.

(3) "Maintenance work" means the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased.

(4) "Public body" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions.

(5) "Public work" means construction, reconstruction, demolition, alteration, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program.

(6) "Commissioner" means the Commissioner of Labor and Industry or his duly authorized representatives.

(7) "Workman" includes laborer, mechanic, skilled or semi-skilled, laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site.

(8) "Work performed under a rehabilitation program" means work arranged by and at a State institution primarily for teaching and upgrading the skills and employment opportunities of the inmates of such institutions.

(9) "Prevailing wage" means the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workmen of that craft or trade subject to said collective bargaining agreements, in the locality in which the public work is done.

(10) "Act" means the provisions of this act and the rules and regulations issued hereunder.

2. This act shall take effect immediately.

Approved July 3, 1974.

CHAPTER 65

AN ACT concerning time for claiming compensation for occupational disease and amending R. S. 34:15-34.

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

1. R. S. 34:15-34 is amended to read as follows:

Time for claiming compensation for occupational disease.

34:15-34. Notwithstanding time limitation for the filing of claims for compensation as set forth in sections 34:15-41 and 34:15-51, or as set forth in any other section of this Title, there shall be no time limitation upon the filing of claims for compensation for compensable occupational disease, as hereinabove defined; provided, however, that where a claimant knew the nature of the disability and its relation to the employment, all claims for compensation for compensable occupational disease shall be barred unless a petition is filed in duplicate with the secretary of the division in Trenton within 2 years after the date on which the claimant first had such knowledge; provided further, that in case an agreement of compensation for compensable occupational disease has been made between such employer and such claimant, then an employee's claim for compensation shall be barred unless a petition for compensation is duly filed with such secretary within 2 years after the failure of the employer to make payment pursuant to the terms of such agreement; or in case a part of the compensation has been paid by such employer, then within 2 years after the last payment of compensation.

A payment or agreement to pay by the insurance carrier shall, for the purpose of this section, be deemed a payment or agreement by the employer.

2. This act shall take effect immediately.

Approved July 3, 1974.

CHAPTER 66

AN ACT to amend "The Private Nonvested Pension Benefits Protection Tax Act," approved May 9, 1973 (P. L. 1973, c. 124).

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

1. Section 13 of P. L. 1973, c. 124 is amended to read as follows:

13. This act shall take effect immediately and the tax imposed hereby shall expire and be inoperative after July 1, 1975.

2. This act shall take effect immediately.

Approved July 3, 1974.

CHAPTER 67

AN ACT to amend the title of "An act providing for the uniform administration of the alternate programs of benefits for certain members of the faculty and other eligible employees of the New Jersey College of Medicine and Dentistry, Rutgers, The State University of New Jersey, the Newark College of Engineering, the Department of Higher Education, and the State and county colleges, and supplementing chapter 66 of Title 18A and repealing sections 18A:64C-11.1 to 18A:64C-11.9 (inclusive) and 18A:65-74 to 18A:65-85 (inclusive) of the New Jersey Statutes, and chapters 278 and 281 of the laws of 1967 and chapter 181 of the laws of 1968," approved December 22, 1969 (P. L. 1969, c. 242; C. 18A:66-167 et seq.), so that the same shall read "An act providing for the uniform administration of the alternate programs of benefits for certain members of the faculty and other eligible employees of the New Jersey College of Medicine and Dentistry, Rutgers, The State University of New Jersey, the Newark College of Engineering, the Department of Higher Education, the State Department of Education, and the State and county colleges, and supplementing chapter 66 of Title 18A

and repealing sections 18A:64C-11.1 to 18A:64C-11.9 (inclusive) and 18A:65-74 to 18A:65-85 (inclusive) of the New Jersey Statutes, and chapters 278 and 281 of the laws of 1967 and chapter 181 of the laws of 1968," and to supplement the body of said act.

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

Title amended.

1. The title of P. L. 1969, c. 242 is amended to read as follows: An act providing for the uniform administration of the alternate programs of benefits for certain members of the faculty and other eligible employees of the New Jersey College of Medicine and Dentistry, Rutgers, The State University of New Jersey, the Newark College of Engineering, the Department of Higher Education, the State Department of Education, and the State and county colleges, and supplementing chapter 66 of Title 18A and repealing sections 18A:64C-11.1 to 18A:64C-11.9 (inclusive) and 18A:65-74 to 18A:65-85 (inclusive) of the New Jersey Statutes, and chapters 278 and 281 of the laws of 1967 and chapter 181 of the laws of 1968.

C. 18A:66-170.1 Enrollment of Commissioner of Education in alternate benefit program.

2. Notwithstanding any other provision of the statutory law, the Commissioner of Education shall have the option to enroll in the Alternate Benefit Program if he exercises such option within 10 days from the date of his appointment.

3. This act shall take effect immediately.

Approved July 11, 1974.

CHAPTER 68

AN ACT creating a commission to study methods of developing countermeasures to deal with the increasing problem of traffic collisions, by improving the effectiveness of all Division of Motor Vehicle programs aimed at encouraging legal, safe and skilled driving by New Jersey motorists.

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

1. The Legislature finds that it is of paramount importance to the people of this State that the effectiveness of all Division of Motor Vehicle programs which have as their purpose the reduction of unsafe and illegal driver performance in traffic be improved. It also finds that it is the Legislature's responsibility to aid in the improvement of all Division of Motor Vehicle programs.

2. There is hereby created a commission to be known as the "Motor Vehicle Study Commission." The commission shall consist of 17 members as follows: Two members of the Senate, appointed by the President thereof, no more than one of whom shall be of the same political party; two members of the General Assembly, appointed by the Speaker thereof, no more than one of whom shall be of the same political party; the Attorney General or his designate; the Director of the Division of Motor Vehicles; the Deputy Director of the Division of Motor Vehicles; the Assistant Director of the Division of Motor Vehicles (Safety and Driver Improvement); the Assistant Director of the Division of Motor Vehicles (Licensing and Registration); a representative from organized labor, who shall be appointed by the President of the Senate; a municipal court judge, who shall be appointed by the Speaker of the General Assembly; six citizens of the State, representing a cross section of the driver population, who shall 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.

3. The members of the commission shall serve without compensation but may be reimbursed for expenses incidental to their responsibilities and duties.

4. The commission shall meet at the call of the Director of the Division of Motor Vehicles as soon as may be practicable after the appointment of its members. The commission shall select a chairman and vice chairman from among its members and a secretary who need not be a member of the commission.

5. It shall be the duty of the commission to review and evaluate existing procedures and activities of the Division of Motor Vehicles in areas of driver licensing and improvement; review and evaluate the effectiveness of similar or related programs in other states, and available pertinent research studies by government, educational, or private agencies which conduct traffic safety research;

develop recommended changes or additions to existing Division of Motor Vehicles programs for driver safety, along with administrative and technical guidelines for their implementation; develop recommended implementation programs, including time schedules, procedural manuals, job qualification and training requirements, and capital facilities and operating cost estimates; evaluate effectiveness of the recommended programs in terms of future traffic accident records of drivers who will be directly affected by the programs; and recommend specific public information techniques designed to generate understanding of the recommended programs by motorists, including a special booklet to be made available to all new and experienced drivers in New Jersey which explains skilled driving habits and shows motorists how to "rate" their habits in traffic.

6. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of the State as it may require and as may be available to it for said purpose, and to employ such professional, stenographic, and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

7. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature as soon as may be practicable, but in any event, not later than April 1, 1975, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

8. There is hereby appropriated from the General State Fund for the purposes of the commission the sum of \$25,000.00.

9. This act shall take effect immediately and shall expire on December 31, 1975.

Approved July 26, 1974.

CHAPTER 69

AN ACT concerning dogs and amending P. L. 1941, c. 151.

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

1. 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; selling or making available for experimentation prohibited.

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. No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a disorderly persons offense.

2. Section 19 of P. L. 1941, c. 151 (C. 4:19-15.19) is amended to read as follows:

C. 4:19-15.19 Violations.

19. Except as otherwise provided in this act, any person who violates or who fails or refuses to comply with sections 2, 4, 6, 7, 8, 10 or 18 of this act or the rules and regulations promulgated by the State Department of Health pursuant to section 14 of this act, shall be liable to a penalty of not less than \$5.00 nor more than \$50.00 for each offense, to be recovered by and in the name of the Director of Health of the State of New Jersey, or by and in the name of the local board of health of the municipality, or by and in the name of the municipality, as the case may be, except that for the first offense in cases of violations of sections 2, 4 and 6 of this act, the penalty shall be not less than \$1.00 nor more than \$50.00, to be recovered in the same manner.

3. This act shall take effect immediately.

Approved July 29, 1974.

CHAPTER 70

AN ACT to amend "An act concerning the rate of mileage reimbursement allowance to officers or employees of the State in certain cases," filed April 13, 1943 (P. L. 1943, c. 188).

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

1. Section 1 of P. L. 1943, c. 188 (C. 52:14-17.1) is amended to read as follows:

C. 52:14-17.1 Mileage reimbursement allowance.

1. All mileage in lieu of actual expenses of transportation allowed an officer or employee of the State traveling by his own automobile on official business away from his designated post of duty or official station shall be at the rate of \$0.14 per mile.

2. This act shall take effect immediately.

Approved July 29, 1974.

CHAPTER 71

AN ACT to validate certain elections of fire districts, any appropriations approved thereat, and any bonds or other obligations issued or to be issued in pursuance of proceedings taken at said elections.

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

Validating act.

1. All proceedings heretofore had or taken by any board of fire commissioners or at any fire district meeting or election for the election of commissioners, approval of appropriations and for the authorization or issuance of bonds or other obligations of the fire district, and any bonds or other obligations of the fire district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that:

a. Petitions for nomination of candidates for membership on the board were not filed with the clerk of the board at least 28 days before the date of the election, as required by N. J. S. 40A:14-71, as amended by section 1 of chapter 235 of the laws of 1973 or that

b. Notice of the date, time and place of election, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board was not published at least once in a newspaper circulating in the district at least 6 weeks prior to the date fixed for the election, as required by N. J. S. 40A:14-72, as amended by section 2 of chapter 235 of the laws of 1973; provided, that petitions of nomination were filed with the

clerk of the board at least 10 days prior to such election and that notice of the date, time and place of the election, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board was published at least once in a newspaper circulating in the district at least 3 weeks prior to the date fixed for the election, and a subsequent notice was published at least 1 week prior to the date fixed for the election; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, no such action is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 30, 1974.

CHAPTER 72

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 bond or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the provisions of N. J. S. 18A:14-19; provided, however, that notices of such election were posted in accordance with N. J. S. 18A:14-19; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such election has heretofore been instituted prior to the 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 theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 30, 1974.

CHAPTER 73

AN ACT authorizing counties and municipalities to enter into agreements to provide funds to maintain or increase public transportation service under certain circumstances.

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

C. 40:9C-1 Maintenance or increase of public transportation; funds.

1. The board of chosen freeholders of any county and the governing body of any municipality within the county, may enter into an agreement for the purpose of providing funds to maintain or increase public transportation service for mass transit purposes on established or expanded routes within the county or municipality. No such agreement may be entered into unless the State of New Jersey, acting by and through the Department of Transportation, Commuter Operating Agency, shall have agreed with the transportation company providing service, or with the county, for payments subsidizing such transportation service in accordance with the provisions of this act. It shall be lawful for the board of chosen freeholders and for the governing body of a municipality to appropriate and raise funds annually for the aforesaid purposes in the same manner as appropriations are made for other county or municipal purposes.

2. This act shall take effect immediately.

Approved July 30, 1974.

CHAPTER 74

AN ACT concerning civil service and amending R. S. 11:22-2.

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

1. R. S. 11:22-2 is amended to read as follows:

Persons included; not subject to provisions of subtitle.

11:22-2. The unclassified service shall not be subject to the provisions of this subtitle and shall include the following:

- a. Officers elected by popular vote;
- b. Members of district boards of elections; employees in voting machine departments and the chief deputy, chief clerk, secretary, clerical and other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties of the first class having less than 800,000 inhabitants, and by the county boards of elections in all other counties and such of said officers, assistants and employees as are appointed by superintendents of elections in counties of the first class having more than 800,000 inhabitants to serve for terms of 6 months or less in any 1 year;
- c. Appointments of the mayor;
- d. Heads of departments, except that county department heads, in such departments as shall be designated by the board of freeholders, shall not exceed 12 in number, the members of commissions and boards elected by the board of aldermen, common council or other governing body of any county, municipality or school district operating under this subtitle;
- e. Law officers of a county, municipality or school district operating under this subtitle;
- f. Teaching staff members, as defined in N. J. S. 18A:1-1, in the public schools and county superintendents and members and business managers of boards of education;
- g. Police magistrates appointed by the mayor or other head officer of the municipality operating under this subtitle;
- h. Officers and employees of county park commissioners in counties of the second class appointed under the provisions of sections 40:37-96 to 40:37-174 of the Title, Municipalities and Counties;

- i. The superintendent of a county hospital for persons suffering from communicable diseases appointed under the provisions of R. S. 30:9-61 and 30:9-69; and
- j. The deputy or first assistant of principal executive officers authorized by law to act generally for and in place of his principal;
- k. The legal assistants of the law department of the counties, municipalities or school districts operating under this subtitle except as herein otherwise provided;
- l. One secretary, clerk or executive director of each department, appointed board or commission authorized by law to appoint a secretary, clerk or executive director;
- m. One private secretary or clerk or stenographer of each judge or principal executive officer;
- n. All officials of county or municipal institutions who must of necessity be physicians;
- o. Offices or positions whose incumbents by specific statute serve for fixed terms, or whose incumbents by specific statute serve at the pleasure of the appointing authority;
- p. One council secretary to the municipal council appointed by the council in any city of the first class with a population of less than 300,000; and
- q. Such other officers and positions not now included in the unclassified service by this section or by any other statute, as the Civil Service Commission shall, from time to time, determine, according to law, to be in the unclassified service.

2. This act shall take effect immediately.

Approved July 30, 1974.

CHAPTER 75

AN ACT concerning the allocation of certain State aid by P. L. 1972, c. 213.

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

- 1. Notwithstanding the provisions of P. L. 1972, c. 213, the \$500,000.00 allocated to the Jersey City Medical Center, Jersey City, for effectuating the merger of Margaret Hague Hospital and
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the Jersey City Medical Center, shall be used in the manner hereinafter provided.

2. Upon the completion of the merger, should it be jointly determined by the city of Jersey City and the county of Hudson, that the moneys allocated by section 1 c. of P. L. 1972, c. 213, for renovations and plant changes pursuant to the absorption of the maternity facilities of Margaret Hague Hospital into the Jersey City Medical Center, can be better used to meet the costs of combined operations and a general upgrading of services pursuant to said merger, the city of Jersey City and the county of Hudson may apply to the Commissioner of the State Department of Health for the reallocation of any or all funds for such purposes as shall be designated in a report to be submitted by the Jersey City Medical Center to the department along with said application.

3. Upon receipt of the request for reallocation and a report outlining an action program, and the costs thereof, for effectuating the combination and upgrading of services and personnel pursuant to the merger of Margaret Hague Hospital and the Jersey City Medical Center, the department shall release the necessary moneys to the Jersey City Medical Center for use as provided for in the approved action program.

4. The Department of Health shall, as soon as practicable, submit a report to the State Legislature on the final disposition of the funds allocated in accordance with section 3 of this act.

5. This act shall take effect immediately.

Approved July 30, 1974.

CHAPTER 76

AN ACT concerning unemployment compensation and extended benefits, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. 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 June 30, 1974 and prior to

August 1, 1974, a determination that there has been a State "on" or "off" indicator beginning or 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, c. 324 (C. 43:21-24.11 d, e.).

2. Extended benefits shall be paid pursuant to the provisions of this act so long as the payments conform to and are not in conflict with the Federal-State Extended Unemployment Compensation Act of 1970, as amended by United States P. L. 93-329, approved June 30, 1974.

3. This act shall take effect immediately and shall be applied retroactively to July 1, 1974.

Approved July 30, 1974.

CHAPTER 77

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:

C. 27:1A-28.1 to C. 27:1A-28.6 Effective date.

8. This act shall take effect immediately but shall terminate on July 1, 1975.

2. This act shall take effect immediately.

Approved July 31, 1974.

CHAPTER 78

AN ACT concerning education and amending N. J. S. 18A:39-1.

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

1. N. J. S. 18A:39-1 is amended to read as follows:

Transportation of pupils remote from schools.

18A:39-1. Whenever in any district there are pupils residing remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such pupils to and from school, including the transportation of school pupils to and from school other than a public school, except such school as is operated for profit in whole or in part.

When any school district provides any transportation for public school pupils to and from school pursuant to this section, transportation shall be supplied to school pupils residing in such school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 20 miles from the residence of the pupil provided the per pupil cost of the lowest bid received does not exceed \$200.00 and if such bid shall exceed said cost then the parent, guardian or other person having legal custody of the pupil shall be eligible to receive said amount toward the cost of his transportation to a qualified school other than a public school regardless of whether such transportation is along established public school routes. It shall be the obligation of the parent, guardian or other person having legal custody of the pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil with the office of the secretary of the board of education at the time and in the manner specified by rules and regulations of the State board in order to be eligible for the transportation provided by this section. If the registration of any such pupil is not completed by September 1 of the school year and if it is necessary for the board of education to enter into a contract establishing a new route in order to provide such transportation, then the board shall not be required to provide it, but in lieu thereof the parent, guardian or other person having legal custody of the pupil shall be eligible to receive \$200.00 or an amount computed by multiplying \$1.111 times the number of school days remaining in the school year at the time of registration, whichever is the smaller amount. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, said regional district shall assume responsibility for the transportation of all such pupils, and the cost of such transportation for pupils below the grade level for which the regional district was organized, shall be prorated by the regional district among the constituent districts on a per pupil basis after approval of such

costs by the county superintendent. This section shall not require school districts to provide any transportation to pupils attending a school other than a public school where the only transportation presently provided by said district is for school children transported pursuant to chapter 46 of this Title or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the State board as governs transportation to any public school.

Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of pupils to a school in an adjoining district when such pupils are transferred to the district by order of the county superintendent, or when any pupils shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Nothing herein contained shall limit or diminish in any way any of the provisions for transportation for children pursuant to chapter 46 of this Title.

2. This act shall take effect immediately.

Approved August 5, 1974.

CHAPTER 79

AN ACT providing for the purchase and loan of textbooks to students attending public and nonpublic schools and supplementing chapter 234 of the laws of 1970.

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

C. 18A:58-37.1 Legislature's findings.

1. The Legislature hereby finds and determines that the security and welfare of the State require the fullest development of the material resources and skills of its youth. To achieve this objective increased efforts must be undertaken to educate more of the talent of our State. It is hereby declared to be the public policy of the State, that the public welfare and safety require that the State

and local communities provide assistance to educational programs which are important to the welfare of the State.

C. 18A:58-37.2 Definitions.

2. As used in this act:

a. "Commissioner" means the State Commissioner of Education.

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

c. "Textbook" means books, workbooks or manuals, whether bound or in looseleaf form intended as a principal source of study material for a given class or group of students, a copy of which is available for the individual use of each pupil in such class or group.

d. "Student" means any child who is a resident of the State and who is enrolled as a full-time pupil in a public or nonpublic school in grades kindergarten through 12. A child who boards at a school but whose parents do not maintain a residence in this State shall not be deemed to be a resident of the State within the meaning of this act.

C. 18A:58-37.3 Powers and duties of board of education.

3. a. The board of education in each school district in the State shall have the power and duty to purchase and to loan textbooks upon individual request, to all students residing in such district, who are enrolled in grades kindergarten through 12 of a public or nonpublic school.

b. No board of education shall be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid pursuant to this act.

C. 18A:58-37.4 Loaning of textbooks.

4. a. Textbooks which are loaned to students enrolled in grades kindergarten through 12 of any nonpublic school shall be textbooks which are used in any public elementary or secondary school of the State or are approved by any board of education. Such textbooks are to be loaned without charge to such children subject to such rules and regulations as are, or may be adopted by the commissioner and such board of education.

b. When a textbook has been designated for use in a school district such textbook shall not be superseded by any other book, prior to the expiration of 5 years following such designation, except upon the authorization of the board of education.

C. 18A:58-37.5 Appropriation of aid.

5. The commissioner shall, upon request of the local board and pursuant to the rules and regulations of the State Board of Education distribute to each school district an amount equal to the cost of textbooks purchased and loaned by the school district pursuant to this act, but in no event shall the aid appropriated to the district exceed the following amounts:

a. The expenditures for the purchase of textbooks pursuant to this act made during the school year 1974-75, the school year 1975-76, the school year 1976-77 shall not exceed an average of \$15.00 for each student residing in the district, who, on the last day of September of the preceding school year were enrolled in grades kindergarten through 12 of a public or nonpublic school; and

b. The expenditures made in any subsequent year shall not exceed an average of \$10.00 for each student residing in the district, who, on the last day of September of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school.

C. 18A:58-37.6 Expenditure of aid.

6. State aid provided pursuant to the State School Incentive Equalization Aid Law (N. J. S. 18A:58-1 et seq.) in the school years 1974-75, 1975-76, 1976-77 may be expended for the purchase and loan of textbooks for public school pupils on an average of \$15.00 per pupil in resident enrollment and in any subsequent school year such State aid may be expended on an average of \$10.00 per pupil in resident enrollment. Nothing contained herein shall prohibit a board of education in any district from purchasing textbooks in excess of the amounts provided pursuant to this act.

C. 18A:58-37.7 Schedule of payment.

7. The sums payable as State aid to school districts pursuant to this act shall be payable in accordance with the following schedule: one-quarter on October 1, one-quarter on December 1, one-quarter on February 1 and one-quarter on May 1. The State Treasurer shall make such payment to each board of education upon a certificate of the commissioner and warrant of the Director of the Division of Budget and Accounting.

8. This act shall take effect July 1, 1974.

Approved August 5, 1974.

CHAPTER 80

AN ACT providing for the construction, acquisition, financing, selling and leasing of manufacturing, industrial, commercial and other employment promoting facilities; creating the New Jersey Economic Development Authority and defining its powers in connection therewith; providing for the issuance of bonds of the authority and the terms and security thereof; and providing an appropriation therefor.

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

C. 34:1B-1 Short title.

1. This act shall be known and may be cited as "The New Jersey Economic Development Authority Act."

C. 34:1B-2 Declaration of policy.

2. It is hereby declared to be in the public interest and to be the policy of the State to foster and promote the economy of the State, increase opportunities for gainful employment and improve living conditions, assist in the economic development or redevelopment of political subdivisions within the State, and otherwise contribute to the prosperity, health and general welfare of the State and its inhabitants by inducing manufacturing, industrial, commercial and other employment promoting enterprises by making available financial assistance to locate, remain or expand within the State. It is the purpose and object of this act to further and implement such policy by creating a body corporate and politic having the powers, duties and functions as provided in this act.

C. 34:1B-3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

a. "Authority" means the New Jersey Economic Development Authority, created by section 4 of this act;

b. "Bonds" means bonds or other obligations issued by the authority pursuant to this act;

c. "Cost" means, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of any project, and shall include, but not be limited to, the cost or fair market value of construction, machinery and equipment, property,

rights, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine;

d. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons. "Person" shall include the plural as well as the singular.

e. "Project" means any building whether or not in existence or under construction, or other improvement, purchase of an existing building, refinancing of an existing building in order to facilitate substantial improvements thereto, or real estate improvement, including remodeling and refurnishing of or adding to existing property or both, in New Jersey, and, the land upon which it is located, all real property deemed necessary to its use, and the extension or provision of utilities, access roads and other appurtenant facilities, which is to be used or occupied by any person for the manufacturing, processing or assembling of materials or manufactured products, or for research, office, industrial, commercial, recreational or hotel facilities, or warehousing, or for any combination thereof and which the authority determines will tend to maintain or provide gainful employment within and for the people of the State, aid and assist in the economic development or redevelopment of any political subdivision of the State, maintain or increase the tax base of any political subdivision of the State and maintain or diversify and expand industry within the State, and also including reimbursement to any person for costs in connection with, or the refinancing of, any project or portion as above described, if determined by the authority as necessary and in the public interest to facilitate substantial improvements thereto or the completion thereof. "Project" may also include machinery and

equipment necessary or convenient in connection therewith, but shall not include raw materials, work in process or stock in trade;

f. "Revenues" means receipts, fees, rentals or other payments to be received on account of lease, mortgage, conditional sale, or sale and payments and any other income derived from the lease, sale or other disposition of a project, moneys in such reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, established in connection with the issuance of bonds or notes for a project or projects, and fees, charges or other moneys to be received by the authority in respect of projects and contracts with persons; and

g. "Resolution" means any resolution adopted or trust agreement executed by the authority pursuant to which bonds of the authority are authorized to be issued.

C. 34:1B-4 New Jersey Economic Development Authority; establishment; membership; removal; chairman and other officers; execution of bonds; compensation; dissolution; minutes; annual report; comptroller of treasury; conflict of interest.

4. a. There is hereby established in, but not of, the Department of Labor and Industry a public body corporate and politic, with corporate succession, to be known as the "New Jersey Economic Development Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The authority shall consist of the Commissioner of Labor and Industry, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, and the State Treasurer, who shall be members ex officio, and three members appointed by the Governor with the advice and consent of the Senate for terms of 3 years, provided that the members of the authority (other than the ex-officio members) first appointed by the Governor shall serve for terms of 1 year, 2 years, and 3 years respectively. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. Each appointed member may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member before entering upon his duties shall take and subscribe

an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. The Commissioner of Labor and Industry shall be the chairman of the authority. The members of the authority shall elect from their remaining number a vice chairman and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and four members of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least four members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member in such form and amount as may be prescribed by the Comptroller of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of his acceptance of the office of ex-officio member of the authority or his services therein.

g. Each ex-officio member of the authority may designate an officer or employee of his department to represent him at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement

of such debts or obligations. Upon any such dissolution of the authority all property, funds and assets thereof shall be vested in the State.

i. 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 public holidays excepted, after such copy of the minutes shall have been so delivered unless during such 10-day period the Governor shall approve the same in which case such action shall become effective upon such approval. 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 void and of no effect. The powers conferred in this paragraph (i) upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph (i) 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 notes or for the benefit, protection or security of the holders thereof.

j. On or before March 31 in each year, the authority shall make an annual report of its activities for the preceding calendar year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the authority's operations during the year. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and cause a copy thereof to be filed with the Secretary of State and the Comptroller of the Treasury.

k. The Comptroller of the Treasury and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts, books and records of the authority, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating thereto and to its financial standing.

l. No member, officer, employee or agent of the authority shall be interested, either directly or indirectly, in any project or in any contract, sale, purchase, lease or transfer of real or personal property to which the authority is a party.

C. 34:1B-5 Authority's powers.

5. The authority shall have the following powers:

- a. To adopt bylaws for the regulation of its affairs and the conduct of its business;
- b. To adopt and have a seal and to alter the same at pleasure;
- c. To sue and be sued;
- d. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and such manner as it may deem proper, or by the exercise of the power of eminent domain in the manner provided by the Eminent Domain Act of 1971, P. L. 1971, c. 361 (C. 20:3-1 et seq.), any lands or interests therein or other property which it may determine is reasonably necessary for any project; provided, however, that the authority shall not take by exercise of the power of eminent domain any real property except upon consent thereto given by resolution of the governing body of the municipality in which such real property is located; and provided further that at least 7 days prior to adoption of such resolution, the municipal governing body shall hold a public hearing on such resolution; and provided further that the authority shall be limited in its exercise of the power of eminent domain to municipalities receiving State aid under the provisions of P. L. 1971, c. 64, or to municipalities which had a population in 1970 in excess of 10,000;
- e. To enter into contracts with a person upon such terms and conditions as the authority shall determine to be reasonable, including but not limited to reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of the project and to pay or compromise any claims arising therefrom;
- f. To establish and maintain reserve and insurance funds with respect to the financing of the project;
- g. To sell, convey or lease to any person all or any portion of a project, for such consideration and upon such terms as the authority may determine to be reasonable;
- h. To mortgage, pledge or assign or otherwise encumber all or any portion of a project or revenues whenever it shall find such action to be in furtherance of the purposes of this act;
- i. To grant options to purchase or renew a lease for any of its projects on such terms as the authority may determine to be reasonable;
- j. To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the

United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of the act, with the terms and conditions thereof;

k. In connection with any application for assistance under this act or commitments therefor, to require and collect such fees and charges as the authority shall determine to be reasonable;

l. To adopt, amend and repeal regulations to carry out the provisions of this act;

m. To acquire, purchase, manage and operate, hold and dispose of real and personal property or interests therein, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties;

n. To purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness;

o. To purchase, acquire, attach, seize, accept or take title to any project by conveyance or, by foreclosure, and sell, lease, manage or operate any project for a use specified in this act;

p. To borrow money and to issue bonds of the authority and to provide for the rights of the holders thereof as provided in this act.

q. To extend credit or make loans to any person for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing of a project which credits or loans may be secured by loan and security agreements, mortgages, leases, and any other instruments, upon such terms and conditions as the authority shall deem reasonable, including provision for the establishment and maintenance of reserve and insurance funds, and to require the inclusion in any mortgage, lease, contract, loan and security agreement or other instrument, such provisions for the construction, use, operation and maintenance and financing of a project as the authority may deem necessary or desirable;

r. To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority to carry out the purposes of the act, and to fix and pay their compensation from funds available to the authority therefor, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

s. 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 contracts with any person; and

t. To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable;

u. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the act.

C. 34:1B-6 Review of application for assistance.

6. A copy of any application for assistance under this act received by the authority shall be submitted to, and for the review and advice of, the Director of the Division of Economic Development. Prior to making any commitment for such assistance, the authority, after consultation with the director of said division shall by resolution duly adopted, find and determine, on the basis of all information reasonably available to it, that such assistance will tend to maintain or provide gainful employment for the inhabitants of the State, and improve living conditions, and shall serve a public purpose by contributing to the prosperity, health and general welfare of the inhabitants of the State and will tend to aid and assist in the economic growth, development or redevelopment of the political subdivision wherein it is to be located, and such finding and determination shall be conclusive for all purposes of this act.

C. 34:1B-7 Economic development fund established.

7. a. The authority shall establish and maintain a special fund called the "economic development fund" into which shall be deposited such moneys (1) as shall be appropriated by the State for the purpose of such fund; (2) if the authority so determines in any resolution authorizing any particular bonds, as shall be received by the authority from the sale of such bonds as provided by law; (3) as shall be received by the authority from the repayment of loans made pursuant to this act; (4) any other moneys or funds of the authority which it determines to deposit therein. Moneys at any time in the economic development fund may be used by the authority for any purpose of this act, including but not limited to payment of administrative expenses incurred by the authority in the performance of its duties, subject only to any agreements with the holders of particular bonds or notes.

b. The authority may, in any resolution authorizing the issuance of bonds or notes, create or authorize the creation within said economic development fund of special funds to be held in pledge or otherwise for payment or redemption of such bonds or notes, reserves or other purposes and to covenant as to use and disposition of the moneys held in such funds.

c. Moneys at any time in the economic development fund may be used to guarantee loans made to project applicants by persons.

d. Moneys at any time in the economic development fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or such other obligations as the authority may approve.

C. 34:1B-8 Authority's power to regulate.

8. The authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances herein called "public utility facilities" of any public utility, as defined in R. S. 48:2-13, in, on, along, over or under any project.

Whenever the authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be located in, on, along, over or under any project, should be relocated, or should be removed from such project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the authority; provided, however, that the costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the relocation or removal of such property, shall be ascertained and paid by the authority as a part of the cost of such project. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

C. 34:1B-9 Authority's power to authorize issuance of bonds.

9. For the purpose of providing funds (a) to pay all or any part of the cost of any project or projects, (b) to make loans in accordance with the provisions of this act, and (c) for the funding or refunding any bonds, the authority shall have power to authorize or provide for the issuance of bonds pursuant to this act.

C. 34:1B-10 Authority's power to incur indebtedness, borrow money, issue bonds.

10. By resolution, the authority shall have power to incur indebtedness, borrow money and issue its bonds for the purposes stated in section 8 hereof. Except as may otherwise be expressly provided by the authority, every issue of its bonds shall be general obligations of the authority payable from any revenues or moneys of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys. Such bonds shall be authorized by resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as such resolution may provide. Bonds of the authority may be sold by the authority at public or private sale at such price or prices as the authority shall determine.

C. 34:1B-11 Obligations negotiable for all purposes of Title 12A.

11. Any provision of any law to the contrary notwithstanding, any bond or other obligation issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of Title 12A, Commercial Transactions, of the New Jersey Statutes, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said Title 12A.

C. 34:1B-12 Authority's additional powers.

12. In order to secure the payment of such bonds and in addition to its other powers, the authority shall have power by resolution to covenant and agree with the several holders of such bonds, as to:

- a. The custody, security, use, expenditure or application of the proceeds of the bonds;
- b. The use, regulation, operation, maintenance, insurance or disposition of all or any part of any project or projects;
- c. Payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank

or priority of any such bonds or obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

d. The use and disposition of any moneys of the authority, including all revenues or other moneys derived or to be derived from any project or projects;

e. Pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the authority to secure the payment of the principal of or interest on the bonds or any other obligations and the powers and duties of any trustee with regard thereto;

f. The setting aside out of the revenues or other moneys of the authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

g. The rents, fees or other charges for the use of any project or projects, including any parts thereof theretofore constructed or acquired and any parts, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same;

h. Limitation on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the authority;

i. Vesting in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine and limiting the rights, duties and powers of such trustee;

j. Payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the resolution or of any covenant or contract with the holders of the bonds;

k. The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

l. Any other matter or course of conduct which, by recital in the resolution, is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of the resolution and all such covenants and agreements shall constitute valid and legally-binding contracts between the authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by appropriate action, suit or pro-

ceeding in any court of competent jurisdiction, or by proceeding in lieu of prerogative writ.

C. 34:1B-13 Authority's pledge of revenues.

13. Any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the authority.

C. 34:1B-14 Bonds not liability of State or political subdivision.

14. Neither the members of the authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds or other obligations issued by the authority pursuant to this act shall not be in any way a debt or liability of the State or of any political subdivision thereof and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision, either legal, moral or otherwise, and nothing in this act contained shall be construed to authorize the authority to incur any indebtedness on behalf of or in any way to obligate the State or any political subdivision, and all such bonds shall contain on the face thereof a statement to that effect.

C. 34:1B-15 Exemption from taxes; payment of moneys in lieu of taxes.

15. The exercise of the powers granted by this act shall constitute the performance of an essential governmental function and the authority shall not be required to pay any taxes or assessments upon or in respect of a project, or any property or moneys of the authority, and the authority, its projects, property and moneys and any bonds and notes issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the State except for transfer, inheritance and estate taxes and by any political subdivision of the State; provided, that any person occupying a project whether as lessee, vendee or otherwise shall, as long as title thereto shall remain in the authority, pay to the political subdivision in which such project is located a

payment in lieu of taxes which shall equal the taxes on real and personal property, including water and sewer service charges or assessments, which such person would have been required to pay had it been the owner of such property during the period for which such payment is made and neither the authority nor its projects, properties, money or bonds and notes shall be obligated, liable or subject to lien of any kind for the enforcement, collection or payment thereof. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this act so provide, the authority may agree to cooperate with such person occupying a project, in connection with any administrative or judicial proceedings for determining the validity or amount of such payments and may agree to appoint or designate and reserve the right in and for such person to take all action which the authority may lawfully take in respect of such payments and all matters relating thereto, provided such person shall bear and pay all costs and expenses of the authority thereby incurred at the request of such person or by reason of any such action taken by such person in behalf of the authority. If such person occupying a project has paid the amounts in lieu of taxes required by this section to be paid such person shall not be required to pay any such taxes as to which a payment in lieu thereof has been made to the State or to any political subdivision, any other statute to the contrary notwithstanding.

C. 34:1B-16 Investment by State and political subdivision in any bond or notes issued by authority.

16. Notwithstanding any restriction contained in any other law, the State and all political subdivisions of this State, their officers, boards, commissioners, departments or other agencies, 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 or investment business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any sinking funds, moneys or other funds, including capital, belonging to them or within their control in any bonds or notes issued by the authority under the provisions of this act; and said bonds and notes are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the State for any

purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

C. 34:1B-17 Bank transactions; authority's funds.

17. All banks, bankers, trust companies, savings banks, investment companies and other persons carrying on a banking business are hereby authorized to give to the authority a good and sufficient undertaking with such sureties as shall be approved by the authority to the effect that such bank or banking institution as hereinbefore described shall faithfully keep and pay over to the order of or upon the warrant of the authority or its authorized agent all such funds as may be deposited with it by the authority and agreed interest thereon, at such times or upon such demands as may be agreed with the authority or in lieu of such sureties, deposit with the authority or its authorized agent or any trustee therefor or for the holders of any bonds, as collateral, such securities as the authority may approve. The deposits of the authority may be evidenced by a depository collateral agreement in such form and upon such terms and conditions as may be agreed upon by the authority and such bank or banking institution.

C. 34:1B-18 Application of provisions.

18. The foregoing sections of this act shall be deemed to provide a complete method for the doing of things authorized thereby and shall be regarded as not in conflict with, or as restrictive of, powers conferred by any other laws, and the provisions of this act shall be complete authority for the issuance of bonds by the authority and the provisions of any other laws shall not apply to the issuance of such bonds.

C. 34:1B-19 Partial invalidity.

19. If any section, part, phrase, or provision of this act or the application thereof to any person, project or circumstances, be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the application thereof to other persons, projects or circumstances.

20. There is hereby appropriated to the authority from the General State Fund the sum of \$200,000.00, or so much thereof as may be necessary, for the purposes of carrying out its function and duties pursuant to this act. 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.

21. This act shall take effect immediately.

Approved August 7, 1974.

CHAPTER 81

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 school debt statement required by N. J. S. 18A:24-16 of Title 18A, Education, was not prepared and filed as required by said N. J. S. 18A:24-16 and 18A:24-17 of Title 18A, Education; provided, however, that a school debt statement has heretofore been prepared and filed in the place required by said N. J. S. 18A:24-17, and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved August 7, 1974.

CHAPTER 82

AN ACT concerning public utilities, and amending R. S. 48:2-3.

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

1. R. S. 48:2-3 is amended to read as follows:

Office; director, salary; meetings.

48:2-3. The board shall have a principal office and such other offices in such place and places as the Governor in writing may designate, and shall be provided with all necessary furniture, stationery, maps, supplies and office appliances. The board shall appoint a director of office management to serve such office and offices and fix his duties and terms of service. It shall fix the compensation of the director of office management at not less than range code A-32 under the State of New Jersey Compensation Plan, effective June 23, 1973. The board shall meet at such times and places within this State as it may provide.

2. This act shall take effect immediately.

Approved August 13, 1974.

CHAPTER 83

AN ACT to amend "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1975 and regulating the disbursement thereof," approved June 28, 1974 (P. L. 1974, c. 58).

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

1. The final paragraph in the appropriations to the Legislature, Account No. 72100, is amended to read as follows:

The amount provided hereinabove for members' district offices shall be used for offices, rent, telephone, furniture, and office equipment at a cost not to exceed \$5,000.00 per legislator; provided, however, that the rental of office space for a district office shall not be in any facility in which the legislator has any proprietary

interest; provided further, however, that the sum shall not be used to provide remuneration to any members of the Legislature; and provided further, however, that the expenditure shall be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

2. This act shall take effect immediately and be retroactive to July 1, 1974.

Approved August 13, 1974.

CHAPTER 84

AN ACT concerning officers of counties and municipalities under certain circumstances, and amending N. J. S. 40A:9-1.

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

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

Residence of officers.

40A:9-1. Except in the case of counsel, attorney, engineer, health officer, auditor, comptroller, appointed tax assessor, or members of boards of assessors or as otherwise provided by law, every person holding an office, the authority and duties of which relate to a county only, to a municipality only, shall reside within said county or municipality, as the case may be.

Any person holding or attempting to hold any such office in a county or municipality in violation hereof, may be ousted in a proceeding in lieu of prerogative writ.

2. This act shall take effect immediately.

Approved August 17, 1974.

CHAPTER 85

AN ACT concerning unemployment compensation for persons serving on jury duty, and amending R. S. 43:21-4.

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

1. R. S. 43:21-4 is amended to read as follows:

Benefit eligibility conditions.

43:21-4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided, that no such regulation shall conflict with subsection (a) of R. S. 43:21-3.

(b) He has made a claim for benefits in accordance with the provisions of subsection (a) of R. S. 43:21-6.

(c) He is able to work, and is available for work, and has demonstrated that he is actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section:

(1) No woman shall be deemed to be able or available for work during the 4 weeks immediately before the expected birth of her child or the 4 weeks immediately following the birth of her child, in either of which cases the division may require the production of a doctor's certificate to establish such dates;

(2) The director may, in his discretion, modify the requirement of actively seeking work if, in his judgment, such modification of this requirement is warranted by economic conditions.

No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he is on vacation, without pay, during said week, if said vacation is not the result of his own action as distinguished from any collective action of a collective bargaining agent or other action beyond his individual control. Subject to

such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because he is attending a training program approved for him by the division to enhance his employment opportunities, or because he failed or refused to accept work while attending such program. An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of his attendance before a court in response to a summons for service on a jury.

(d) He has been totally or partially unemployed for a waiting period of 1 week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, he shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) if benefits have been paid, or are payable with respect thereto; provided, that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) if it has constituted a waiting period week under temporary disability benefits law;

(3) unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) if with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R. S. 43:21-5.

(e) With respect to a base year as defined in subsection (c) of R. S. 43:21-19 he has established at least 17 base weeks as defined in subsection (t) (1) of R. S. 43:21-19, or, in the alternative, has earned \$1,350.00 or more in his base year.

(f) (1) He has suffered any accident or sickness not compensable under the Workmen's Compensation Law (Title 34 of the Revised Statutes) and resulting in his total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21-1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for his inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21-3 (d); provided, however, that no benefits shall be payable under this subsection to any individual:

(A) for any period during which such individual is not under the care of a legally licensed physician, dentist or chiropodist;

(B) for any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion, except for disability existing during the 4 weeks immediately before the expected birth of child, and the 4 weeks following the termination of the pregnancy;

(C) for any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a high misdemeanor;

(D) for any week with respect to which or a part of which he has received or is seeking benefits under any unemployment compensation or disability benefit law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such benefits, this disqualification shall not apply;

(E) for any week with respect to which or part of which he has received or is seeking disability benefits under the temporary disability benefits law;

(F) for any period of disability commencing while such individual is a "covered individual" as defined in subsection 3 (b) of the temporary disability benefits law (P. L. 1948, c. 110).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the temporary disability benefits law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R. S. 43:21-19 (i) (1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the Unemployment Compensation Law; except that notwithstanding any other provisions of the Unemployment Compensation Law, benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment or period of disability during the period between 2 successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of

leave provided for in the individual's employment, if the individual has a contract or other method of understanding or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms. If, however, the individual performs service for an employer in an instructional, research or principal administrative capacity, as well as in any other capacity, and the amount of time in the other capacity is in excess of $\frac{1}{2}$ of his total time, the exception contained in this subsection (g) shall not apply.

(h) Notwithstanding any other provision of this chapter, the director may, to the extent that he deems efficient and economical provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to article III (State plan) of the Temporary Disability Benefits Law.

2. This act shall take effect immediately.

Approved August 21, 1974.

CHAPTER 86

AN ACT concerning unemployment compensation and temporary disability benefits, and amending sections 43:21-3, 43:21-4, 43:21-5, 43:21-6, 43:21-7 and 43:21-19 of the Revised Statutes, section 11 of chapter 110 of the laws of 1948, and section 1 of chapter 81 of the laws of 1944 and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. R. S. 43:21-3 is amended to read as follows:

Benefits.

43:21-3. (a) Payment of benefits. All benefits shall be promptly paid from the fund through local employment offices in accordance with such regulations as may be prescribed hereunder.

(b) Weekly benefits for unemployment.

With respect to an individual's benefit year commencing on or after July 1, 1961, such individual, if eligible and unemployed

(as defined in subsection (m) of R. S. 43:21-19, shall be paid an amount (except as to final payment) equal to his weekly benefit rate less any remuneration paid or payable to him for such week in excess of 20% of his weekly benefit rate (fractional part of a dollar omitted) or \$5.00, whichever is the greater; provided that such amount shall be computed to the next higher multiple of \$1.00 if not already a multiple thereof.

(c) Weekly benefit rate.

(1) With respect to an individual whose benefit year commences on or after July 1, 1961, and prior to January 1, 1968 his weekly benefit rate under each benefit determination shall be an amount equal to the weekly benefit rate set forth in Column B of the table in this paragraph on the line in which in Column A there appears his average weekly wage:

COLUMN A AVERAGE WEEKLY WAGE	COLUMN B WEEKLY BENEFIT RATE
\$18.00 or less	\$10.00
18.01 but not more than 19.50	11.00
19.51 but not more than 21.00	12.00
21.01 but not more than 22.50	13.00
22.51 but not more than 24.00	14.00
24.01 but not more than 25.50	15.00
25.51 but not more than 27.00	16.00
27.01 but not more than 28.50	17.00
28.51 but not more than 30.00	18.00
30.01 but not more than 31.50	19.00
31.51 but not more than 33.00	20.00
33.01 but not more than 34.50	21.00
34.51 but not more than 36.00	22.00
36.01 but not more than 37.50	23.00
37.51 but not more than 39.00	24.00
39.01 but not more than 40.50	25.00
40.51 but not more than 42.00	26.00
42.01 but not more than 43.50	27.00
43.51 but not more than 45.00	28.00
45.01 but not more than 47.50	29.00
47.51 but not more than 50.00	30.00
50.01 but not more than 52.50	31.00
52.51 but not more than 55.00	32.00
55.01 but not more than 57.50	33.00

COLUMN A		COLUMN B	
AVERAGE WEEKLY WAGE		WEEKLY BENEFIT RATE	
\$57.51 but not more than \$60.00	.....	\$34.00	
60.01 but not more than 63.00	.....	35.00	
63.01 but not more than 66.00	.....	36.00	
66.01 but not more than 69.00	.....	37.00	
69.01 but not more than 73.50	.....	37.00	
73.51 but not more than 76.00	.....	39.00	
76.01 but not more than 79.00	.....	40.00	
79.01 but not more than 82.00	.....	41.00	
82.01 but not more than 84.00	.....	42.00	
84.01 but not more than 86.00	.....	43.00	
86.01 but not more than 88.00	.....	44.00	
88.01 but not more than 90.00	.....	45.00	
90.01 but not more than 92.00	.....	46.00	
92.01 but not more than 94.00	.....	47.00	
94.01 but not more than 96.00	.....	48.00	
96.01 but not more than 98.00	.....	49.00	
98.01 or more	.....	50.00	

(2) With respect to an individual whose benefit year commences in any calendar year after December 31, 1967, his weekly benefit rate under each determination shall be two-thirds of his average weekly wage, subject to a maximum of 50% of the Statewide average weekly remuneration paid to workers by employers subject to this chapter (R. S. 43:21-1 et seq.), as determined and promulgated by the Commissioner of Labor and Industry, and to a minimum of \$10.00; provided, however, that such individual's weekly benefit rate shall be computed to the next higher multiple of \$1.00 if not already a multiple thereof. For the purposes of this paragraph, the "Statewide average weekly remuneration paid to workers by employers" shall be computed and determined by the Commissioner of Labor and Industry on or before September 1 of each year on the basis of one-fifty-second of the total remuneration reported for the preceding calendar year by employers subject to this chapter, divided by the average of the number of workers reported by such employers, and shall be effective as to benefit determinations in the calendar year following such computation and determination.

(d) Maximum total benefits.

(1) With respect to an individual to whom benefits shall be payable for benefit years prior to January 1, 1968, as provided in this section such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year

employers, a total amount of benefits equal to three-quarters of his base weeks from the employer in question multiplied by his weekly benefit rate; but the amount of benefits thus resulting under any such determination made with respect to an employer, shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof.

With respect to an individual to whom benefits shall be payable for benefit years commencing on or after January 1, 1968 as provided in this section and prior to January 1, 1975, such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year employers, a total amount of benefits equal to one-third of his total wages in his base year or three-quarters of his base weeks from the employer in question multiplied by his weekly benefit rate, whichever is the higher; but the amount of benefits thus resulting under any such determination made with respect to an employer shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof.

With respect to an individual to whom benefits shall be payable for benefit years commencing on or after January 1, 1975, as provided in this section, such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year employers, a total amount of benefits equal to three-quarters of his base weeks from the employer in question multiplied by his weekly benefit rate; but the amount of benefits thus resulting under any such determination made with respect to any employer, shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof.

(2) No such individual shall be entitled to receive benefits under this chapter (R. S. 43:21-1 et seq.) in excess of 26 times his weekly benefit rate in any benefit year under either of subsections (c) and (f) of section 43:21-4 of this chapter (R. S. 43:21-1 et seq.). In the event that any individual qualifies for benefits under both of said subsections during any benefit year, the maximum total amount of benefits payable under said subsections combined to such individual during the benefit year shall be one-and-one-half times the maximum amount of benefits payable under one of said subsections.

(3) The maximum total benefits of any individual shall be reduced by an amount equal to 17 times his weekly benefit rate upon the discovery by the division that such individual illegally received any sum as benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation; provided, how-

ever, that such reduction shall apply only to a benefit year in existence at the time of the discovery and to a benefit year established within 1 year from the time of such discovery.

2. R. S. 43:21-4 is amended to read as follows:

Benefit eligibility conditions.

43:21-4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided, that no such regulation shall conflict with subsection (a) of R. S. 43:21-3.

(b) He has made a claim for benefits in accordance with the provisions of subsection (a) of R. S. 43:21-6.

(c) He is able to work, and is available for work, and has demonstrated that he is actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section:

(1) No woman shall be deemed to be able or available for work during the 4 weeks immediately before the expected birth of her child or the 4 weeks immediately following the birth of her child, in either of which cases the division may require the production of a doctor's certificate to establish such dates;

(2) The director may, in his discretion, modify the requirement of actively seeking work if, in his judgment, such modification of this requirement is warranted by economic conditions.

No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he is on vacation, without pay, during said week, if said vacation is not the result of his own action as distinguished from any collective action of a collective bargaining agent or other action beyond his individual control; nor subject to such limitations and conditions as the division may prescribe, shall any otherwise eligible individual who is attending a training program which has been approved for him by the division to enhance his employment opportunities be deemed unavailable for work or ineligible because he is attending such training program, or because he failed or refused to accept work while attending such program.

(d) He has been totally or partially unemployed for a waiting period of 1 week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, he shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided, that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under temporary disability benefits law;

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R. S. 43:21-5.

(e) With respect to a base year as defined in subsection (c) of R. S. 43:21-19 he has established at least 20 base weeks as defined in subsection (t) of R. S. 43:21-19, or, in the alternative, has earned \$2,200.00 or more in his base year.

(f) (1) He has suffered any accident or sickness not compensable under the Workmen's Compensation Law (Title 34 of the Revised Statutes) and resulting in his total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21-1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for his inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21-3 (d); provided, however, that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist or chiropodist;

(B) For any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion, except for disability existing during the 4 weeks immediately before the expected birth of child, and the 4 weeks following the termination of the pregnancy;

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a high misdemeanor;

(D) For any week with respect to which or a part of which he has received or is seeking benefits under any unemployment compensation or disability benefit law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such benefits, this disqualification shall not apply;

(E) For any week with respect to which or part of which he has received or is seeking disability benefits under the temporary disability benefits law;

(F) For any period of disability commencing while such individual is a "covered individual" as defined in subsection 3 (b) of the temporary disability benefits law (P. L. 1948, c. 110).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the temporary disability benefits law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R. S. 43:21-19 (i) (1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the Unemployment Compensation Law; except that notwithstanding any other provisions of the Unemployment Compensation Law, benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment or period of disability during the period between 2 successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of leave provided for in the individual's employment, if the individual has a contract or other method of understanding or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms. If, however, the individual performs service for an employer in an instructional, research or principal administrative capacity, as well as in any other capacity, and the amount of time in the other capacity is in excess of one-half of his total time, the exception contained in this subsection (g) shall not apply.

(h) Notwithstanding any other provision of this chapter, the

director may, to the extent that he deems efficient and economical provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the Temporary Disability Benefits Law.

3. R. S. 43:21-5 is amended to read as follows:

Disqualification for benefits.

43:21-5. An individual shall be disqualified for benefits:

(a) For the week in which he has left work voluntarily without good cause attributable to such work, and for each week thereafter until he has earned in employment (which may be with an employing unit having in employment one or more individuals) at least four times his weekly benefit rate, as determined in each case; provided, however, that no disqualification shall be applicable to a woman who left or was separated from her work solely by reason of her pregnancy.

(b) For the week in which he has been suspended or discharged for misconduct connected with his work, and for the 5 weeks which immediately follow such week (in addition to the waiting period), as determined in each case. In the event such discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which he is subsequently compensated by his employer.

(c) If it is found that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the director. Such disqualification shall continue for the week in which such failure occurred and for the 3 weeks which immediately follow such week (in addition to the waiting period), as determined:

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which he is or was last employed, no disqualification under this subsection shall apply if it is shown that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case in which (1) or (2) above applies separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises;

(e) For any week with respect to which he is receiving or has received remuneration in lieu of notice.

(f) For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

(g) (1) For a period of 17 weeks from the date of the discovery by the division of the illegal receipt of benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation and his maximum total benefits shall be reduced by an amount equal to 17 times his weekly benefit rate in the benefit year in existence at the time of the discovery and in a benefit year

established within 1 year thereafter, but the maximum reduction shall not exceed 17 times the weekly benefit rate; provided, that any such disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and, provided further, that a conviction in the courts of this State arising out of the illegal receipt of such benefits in any proceeding instituted against him, under the provisions of this chapter or any other law of this State, shall be conclusive upon the appeals tribunal and the board of review.

(2) A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of R. S. 43:21-16, or to enforce any other law where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from such funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter.

4. R. S. 43:21-6 is amended to read as follows:

Claims for benefits.

43:21-6. Claims for benefits.

(a) Filing. Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Employment Security of the Department of Labor and Industry of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers, and at such places as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed a printed copy of benefit instructions. Both the aforesaid notices and instructions shall be supplied by the division to employers without cost to them.

(b) (1) Procedure for making initial determinations with respect to benefit years commencing on or after January 1, 1953.

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent

employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question, and such notification shall also provide the most recent chargeable employer in the base year with the name and address of the most recent employing unit of the claimant.

In his discretion, the director may appoint special deputies to make initial or subsequent determinations under subsections 4 (f) and 5 (d) of this chapter.

If any employer or employing unit fails to respond to the request for information within 7 days after the mailing of such request, the deputy shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

The deputy shall promptly make an initial determination based upon the available information. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to the employer to whom the determination relates, and also shall show whether the claimant is ineligible or disqualified for benefits under the initial determination. The claimant and the employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

Whenever an initial determination is based upon information other than that supplied by an employer because such employer failed to respond to the deputy's request for information, such initial determination and any subsequent determination thereunder shall be incontestable by the noncomplying employer, as to any charges to his employer's account because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such initial determination shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered initial determination.

The deputy shall issue a separate initial benefit determination

with respect to each of the claimant's base year employers, starting with the most recent employer and continuing as necessary in the inverse chronological order of the claimant's last date of employment with each such employer. If an appeal is taken from an initial determination as hereinafter provided by any employer other than the first chargeable base-year employer, then such appeal shall be limited in scope to include only 1 or more of the following matters:

(A) The correctness of the benefit payments authorized to be made under the determination;

(B) Fraud in connection with the claim pursuant to which the initial determination is issued; or

(C) The refusal of suitable work offered by the chargeable employer filing the appeal.

The amount of benefits payable under an initial determination may be reduced or canceled if necessary to avoid payment of benefits for a number of weeks in excess of the maximum specified in subsection (d) of section 43:21-3 of this Title.

Unless the claimant or any interested party within 7 calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith, except for such determinations as may be altered in benefit amounts or duration as provided in this paragraph. If an appeal is duly filed, benefits with respect to the period covered by the appeal shall be payable only after a determination of entitlement by the appellate tribunal; benefits payable for periods pending an appeal and not in dispute shall be paid as such benefits accrue; provided, that insofar as any such appeal is or may be an appeal from a determination to the effect that the claimant is disqualified under the provisions of R. S. 43:21-5 or any amendments thereof or supplements thereto, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in said section, and notwithstanding such appeal the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification; and provided, also, that if there are two determinations of entitlement, benefits for the period covered by such determinations shall be paid regardless of any appeal which may thereafter be taken, but no employer's account shall be charged with benefits so paid if the decision is finally reversed.

(2) Procedure for making initial determinations in certain cases of concurrent employment, with respect to benefit years commencing on or after January 1, 1953.

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling \$30.00 or more but in each of which there was no single employer from whom he earned as much as \$30.00 then such individual's claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for benefits paid under said initial determination in the inverse chronological order of such last dates of employment.

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall make determinations with respect to claims for benefits thereafter in the course of the benefit year in accordance with any initial determination allowing benefits, and under which benefits have not been exhausted, and each notification of a benefit payment shall be a notification of an affirmative subsequent determination. The allowance of benefits by the deputy on any such determination, or the denial of benefits by the deputy on any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed

to be the final decision of the board of review, unless within 10 days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) Appeal tribunals. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under section 43:21-16 (d) of this chapter (R. S. 43:21-1 et seq.), the director with the approval of the Commissioner of Labor and Industry shall establish one or more impartial appeal tribunals consisting in each case of either a salaried examiner or a body, consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commissioner and be paid a fee of not more than \$20.00 per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the division in any case in which he is an interested party. The director may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other members and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

(e) Board of review. The board of review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The board of review shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and from any determination which has been overruled or modified by any appeal tribunal. The board of review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the board of review shall be heard by a quorum thereof in accordance with the requirements of subsection (c) of this section. The board of review shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed benefit, claims, and appeals from determinations with respect to (1) claims for benefits and (2) demands for refunds of benefits under section 43:21-16 (d) of this chapter (R. S. 43:21-1 et seq.) shall be presented, the reports thereon required from the claimant and from employers,

and the conduct of hearings and appeals shall be in accordance with rules prescribed by the board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness fees. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter (R. S. 43:21-1 et seq.).

(h) Court review. Any decision of the board of review shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address. The Division of Employment Security and any party to a proceeding before the board of review may secure judicial review of the final decision of the board of review. Any party not joining in the appeal shall be made a defendant; the board of review shall be deemed to be a party to any judicial action involving the review of, or appeal from, any of its decisions, and may be represented in any such judicial action by any qualified attorney who may be a regular salaried employee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

(i) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any employer's account of any charge by reason of any benefits paid unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account had such notice been given. Any determination hereunder by the director shall be subject to court review.

5. R. S. 43:21-7 is amended to read as follows:

Contributions.

43:21-7. Contributions. Employers other than those liable for payment in lieu of contributions on the basis set forth in subsection 3 of this act (C. 43:21-7.2), shall pay to the Division of Em-

ployment Security for the Unemployment Compensation Fund, contributions as set forth in subsections (a), (b) and (c) hereof, and the provisions of subsections (d) and (e) shall be applicable to all employers consistent with the provisions of the Unemployment Compensation Law and the Temporary Disability Benefits Law. (a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R. S. 43:21-1 et seq.), with respect to having individuals in his employ during such calendar year at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the Division of Employment Security for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, $2\frac{7}{10}$ of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first \$3,000.00 paid during each calendar year prior to January 1, 1968, the first \$3,600.00 paid during each calendar year commencing on or after January 1, 1968 and prior to January 1, 1972, the first \$4,200.00 paid during each calendar year commencing on or after January 1, 1972 and prior to January 1, 1975, and the first \$4,800.00 paid during each calendar year commencing on or after January 1, 1975, for services performed either within or without this State; provided, that no contribution shall be required by this State with respect to services performed in another state if such other state imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately

prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to \$3,000.00 to such individual during any calendar year prior to January 1, 1968, or equal to \$3,600.00 during any calendar year commencing on or after January 1, 1968 and prior to January 1, 1972, the first \$4,200.00 paid during each calendar year commencing on or after January 1, 1972 and prior to January 1, 1975, and the first \$4,800.00 paid during each calendar year commencing on or after January 1, 1975, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual as defined in the preceding paragraph (2) of this subsection (b) shall be established and promulgated by the Commissioner of Labor and Industry on or before September 1 of the preceding year and shall be twenty-eight times the Statewide average weekly remuneration paid to workers by employers, as determined under R. S. 43:21-3 (c) (2), raised to the next higher multiple of \$100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R. S. 43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employ-

ment such individual established base weeks constituting the basis of such benefits. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made the division shall promptly send either a copy of the benefit check or other form of notification to the employer against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base-year base week wages paid to the claimant by that employer, then such employer may apply to the division to have canceled from his account such excess benefit charges as specified above. Any such application for the cancellation of excess charges shall be submitted by the employer within 6 months from the date of the benefit check, payment of which creates such charges. In no event will the erasure of such charges affect a contribution rate already assigned to the employer with respect to any fiscal year commencing prior to the date the application is received by the division.

The division shall furnish to each employer an annual summary statement of benefits charged to his account.

(2) The Division of Employment Security may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) Each employer's rate shall be $2\frac{8}{10}\%$, except as otherwise provided in the following provisions: No employer's rate shall be other than $2\frac{8}{10}\%$ unless and until there shall have been 3 calendar years throughout which any individual in his employ could have received benefits if eligible. No employer's rate shall be lower than $2\frac{7}{10}\%$ unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303 (a) (1) of the Internal Revenue Code (U. S. Code Title 26, section 3303 (a) (1)), any other provision of this section to the contrary notwithstanding.

(4) (A) Each employer's rate for the 12 months commencing

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July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceed the total benefits charged to his account for all such years, his contribution rate shall be:

- (1) $2\frac{5}{10}\%$, if such excess equals or exceeds 4%, but less than 5% of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21-19 of this Title);
- (2) $2\frac{7}{10}\%$, if such excess equals or exceeds 5%, but is less than 6% of his average annual payroll;
- (3) $1\frac{1}{10}\%$, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;
- (4) $1\frac{6}{10}\%$, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;
- (5) $1\frac{3}{10}\%$, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;
- (6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;
- (7) $\frac{7}{10}$ of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;
- (8) $\frac{4}{10}$ of 1%, if such excess equals or exceeds 11%, of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

- (1) 4%, if such excess is less than 10% of his average annual payroll;
- (2) $4\frac{3}{10}\%$, if such excess equals or exceeds 10%, but is less than 20% of his average annual payroll;
- (3) $4\frac{6}{10}\%$, if such excess equals or exceeds 20% of his average annual payroll.

provided, however, if the total of the contributions of such an employer for the past 120 consecutive calendar months is more than the total benefits charged against his account during the same period, his rate shall be $2\frac{8}{10}\%$.

(C) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c).

(5) (A) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than

7% of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds $2\frac{1}{2}\%$ but is less than 4% of the total taxable wages reported to the division of employment security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection.

If on March 31 of any calendar year the balance of the unemployment trust fund is less than $2\frac{1}{2}\%$ of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer (1) eligible for a contribution rate calculation based upon benefit experience, shall be increased by (i) $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3), (4) (A) or (4) (B) of this subsection, and (ii) an additional amount equal to 20% of the total rate established herein, provided, however, that the final contribution rate for each employer shall be computed to the nearest multiple of $\frac{1}{10}\%$ if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3) of this subsection.

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than $12\frac{1}{2}\%$ of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{3}{10}$ of 1%. If on March 31 of any calendar year the

balance in the unemployment trust fund equals or exceeds $12\frac{1}{2}\%$ of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{1}{10}$ of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1%.

(C) The "balance" in the unemployment trust fund as the term is used in subparagraphs (A) and (B) above shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (Title 42, U. S. Code, section 1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of Unemployment Compensation Law.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer including in the calculation the additional contribution so made. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the director for not to exceed an additional 60 days; provided, that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of 5% thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the Division of Employment Security shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulations adopted by the division, if the division finds that the employment experience of the predecessor employer with respect to the organization, trade, assets or business, which has been transferred, may be considered indicative of the future employment experience of the successor in interest. Unless the predecessor employer was owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within 4 months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice with the division protesting the transfer of the employment experience of the predecessor employer.

(B) An employer, who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets, or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefits charges, et cetera, applicable to such predecessor employer. The Division of Employment Security may allow such transfer of employment experience pursuant to regulations adopted by the division, only if it finds that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer

with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R. S. 43:21-1 et seq.).

(d) (1) Contribution of workers, transfers to temporary disability benefit fund.

Each worker shall contribute to the fund 1% of his wages with respect to his employment which occurs on and after January 1, 1971 and prior to January 1, 1975, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21-19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of $\frac{1}{4}$ of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21-31); and provided further that there shall be no contributions by workers in the employ of any employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the Temporary Disability Benefits Law (C. 43:21-37 et seq.), and in that case contributions shall be at the rate of $\frac{3}{4}$ of 1%, and for periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment which occurs on and after January 1, 1975, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21-19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of $\frac{1}{2}$ of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21-31); and provided further

that there shall be no contributions by workers in the employ of any employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the Temporary Disability Benefits Law (C. 43:21-37 et seq.), and in that case contributions shall be at the rate of $\frac{1}{2}$ of 1%. Each employer shall, notwithstanding any provision of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the Division of Employment Security in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of section 43:21-14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter (R. S. 43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) (A) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, three-fourths of all worker contributions, received by the Division of Employment Security with respect to wages paid prior to January 1, 1953, and upon which the rate of contributions is 1%.

(B) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, two-thirds of all worker contributions received by the Division of Employment Security with respect to wages paid on and after January 1, 1953, and prior to January 1, 1971, and upon which the rate of contributions is $\frac{3}{4}$ of 1%.

(C) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, three quarters of all worker contributions, received by the Division of Employment Security with respect to wages paid on or after January 1, 1971 and prior to January 1, 1975, and upon which the rate of contributions is 1%, and with respect to wages paid on and after January 1, 1975, there shall be deposited in and credited to the State Disability Benefits Fund, as established by law, one-half of all worker

contributions received by the Division of Employment Security upon which the rate of contribution is 1%.

(D) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, all worker contributions received by the Division of Employment Security with respect to wages paid on or after January 1, 1972 and prior to January 1, 1975, upon which the rate of contributions is $\frac{3}{4}$ of 1% and with respect to wages paid on or after January 1, 1975, there shall be deposited to the State Disability Benefits Fund, as established by law, all worker contributions received by the Division of Employment Security from all employers, except the State of New Jersey, upon which the rate of contributions is $\frac{1}{2}$ of 1%.

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State Disability Benefits Fund (in accordance with paragraph (2) of this subsection) plus the amount of his contributions, if any, required towards the cost of benefits under one or more approved private plans under the provisions of section 9 of the Temporary Disability Benefits Law (C. 43:21-33) and deducted from his wages, or the sum of such latter contributions if the employee is covered during such calendar year, only by two or more private plans, exceeds \$18.00 in any calendar year prior to January 1, 1971, \$27.00 during the calendar year 1971, \$31.50 during calendar years 1972, 1973 and 1974; \$24.00 during the calendar year 1975 or an amount equal to $\frac{1}{2}$ of 1% of the "wages" determined in accordance with the provisions of R. S. 43:21-7(b) (3) during the calendar years beginning on or after January 1, 1976, the employee shall be entitled to a refund of the excess if he makes a claim to the Division of Employment Security within 2 years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the Division of Employment Security from the State Disability Benefits Fund. No interest shall be allowed or paid with respect to any such refund. The division shall in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law," such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund as provided in subparagraph (B) of paragraph (1) of this subsection

with respect to coverage under private plans to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund as provided in subparagraph (B) of paragraph (2) of this subsection. The division shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bears to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R. S. 43:21-14, with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the division shall be paid into the State Disability Benefits Fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R. S. 43:21-1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided, proceedings therefor are instituted within 3 months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R. S. 43:21-1 et seq.), or to cease to be an employer subject to this chapter (R. S. 43:21-1 et seq.), pursuant to the provisions of section 43:21-8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the Division of Employment Security as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to State Disability Benefits Fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c)

of this section, contribute $\frac{1}{2}$ of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in section 3 of the Temporary Disability Benefits Law (C. 43:21-27 (a)). Such contributions shall become due and be paid by the employer to the Division of Employment Security for the State Disability Benefits Fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the Temporary Disability Benefits Law, the employer shall be exempt from the contribution required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State Disability Benefits Fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the Temporary Disability Benefits Law on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was

employed at the commencement of such disability or by whom he was last employed if out of employment.

(C) The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the Division of Employment Security shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be $\frac{1}{2}$ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State Disability Benefits Fund with respect to employment in the 3 calendar years immediately preceding such year.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{3}{10}$ of 1% if such excess over \$500.00 exceeds 1% but is less than $1\frac{1}{4}$ % of his average annual payroll (as defined in this chapter (R. S. 43:21-1 et seq.));

(ii) $\frac{15}{100}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{4}$ % but is less than $1\frac{1}{2}$ % of his average annual payroll;

(iii) $\frac{1}{10}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{2}$ % of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than \$500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than \$500.00, the preliminary rate shall be $\frac{1}{4}$ of 1%.

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{35}{100}$ of 1% if such excess over \$500.00 is less than $\frac{1}{4}$ of 1% of his average annual payroll;

(ii) $\frac{45}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{4}$ of 1% but is less than $\frac{1}{2}$ of 1% of his average annual payroll;

(iii) $\frac{55}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{2}$ of 1% but is less than $\frac{3}{4}$ of 1% of his average annual payroll;

(iv) $\frac{65}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{3}{4}$ of 1% but is less than 1% of his average annual payroll;

(v) $\frac{75}{100}$ of 1% if such excess over \$500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than $\frac{1}{10}$ of 1% of wages or increased by more than $\frac{2}{10}$ of 1% of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the Division of Employment Security shall determine the amount of the State Disability Benefits Fund as of December 31 of the preceding calendar year increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in preceding calendar years. If such amount exceeds the total of the amounts withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law plus the amount at the end of such preceding calendar year of the unemployment disability account (as defined in section 22 of said law), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State Disability Benefits Fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The Division of Employment Security shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (E) (1) of this subsection equals or exceeds $1\frac{1}{4}\%$ the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's preliminary rate is determined as provided in (D) (2) or (D) (3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest $\frac{5}{100}$ of 1%, but in no case shall such final rate be less than $\frac{1}{10}$ of 1%.

(ii) If the percentage determined in accordance with para-

graph (E) (1) of this subsection equals or exceeds $\frac{3}{4}$ of 1% and is less than $1\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (E) (1) of this subsection is less than $\frac{3}{4}$ of 1%, but in excess of $\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between $\frac{3}{4}$ of 1% and such percentage taken to the nearest $\frac{5}{100}$ of 1%; provided, however, that no such final rate shall be more than $\frac{1}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, more than $\frac{1}{2}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, nor more than $\frac{3}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof.

(iv) If the amount of the State Disability Benefits Fund determined as provided in paragraph (E) (1) of this subsection is equal to or less than $\frac{1}{4}$ of 1%, then the final rate shall be $\frac{2}{5}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof $\frac{7}{10}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof. Notwithstanding any other provision of law or any determination made by the Division of Employment Security with respect to any 12-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be as set forth herein.

6. Section 1 of P. L. 1944, c. 81 (C. 43:21-14.1) is amended to read as follows:

C. 43:21-14.1 Refund of contributions; claim.

1. Any employee who is paid wages by two or more employers aggregating more than \$3,000.00 during any calendar year prior to January 1, 1968, \$3,600.00 during any calendar year commencing on or after January 1, 1968 and prior to January 1, 1972, \$4,200.00 during any calendar year commencing on or after January 1, 1972 and prior to January 1, 1975, or \$4,800.00 during any calendar year commencing on or after January 1, 1975, and prior to January 1, 1976, and thereafter the amount of "wages" determined in accordance with the provisions of R. S. 43:21-7(b)(3) shall be entitled to a refund of the amount of contributions deducted

from such wages and paid to the Division of Employment Security in excess of the contribution required on \$3,000.00 of such wages paid during any calendar year prior to January 1, 1968, \$3,600.00 during any calendar year commencing on or after January 1, 1968 and prior to January 1, 1972, \$4,200.00 during any calendar year commencing on or after January 1, 1972 and prior to January 1, 1975, or \$4,800.00 during any calendar year commencing on or after January 1, 1975, and prior to January 1, 1976, and thereafter the amount of "wages" determined in accordance with the provisions of R. S. 43:21-7(b)(3) except that no such refund shall be made unless the employee makes a claim, establishing his right thereto, within 2 years after the calendar year in which the wages are paid with respect to which refund of contribution is claimed. No interest shall be allowed or paid with respect to any such refund.

7. 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 repre-

sentative 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 two-thirds 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 18 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 one-half 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 one-half 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 \$30.00; 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 \$30.00 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 20 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 20 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.

8. Section 11 of P. L. 1948, c. 110 (C. 43:21-35) is amended to read as follows:

C. 43:21-35 Termination of private plans.

11. (a) If the division is furnished satisfactory evidence that a majority of the employees covered by an approved private plan have made election in writing to discontinue such plan, the division shall withdraw its approval of such plan effective at the end of the calendar quarter next succeeding that in which such evidence is furnished. Upon receipt of a petition therefor signed by not less than 10% of the employees covered by an approved private plan, the division shall require the employer upon 30 days' written notice to conduct an election by ballot in writing to determine whether or not a majority of the employees covered by such private plan favor discontinuance thereof; provided, that such election shall not be required more often than once in any 12-month period.

(b) Unless sooner permitted, for cause, by the division, no approved private plan shall be terminated by an employer, in whole or in part, until at least 30 days after written notice of intention so to do has been given by the employer to the division and after notices are conspicuously posted so as reasonably to assure their being seen, or after individual notices are given to the employees concerned.

(c) The division may after notice and hearing withdraw its approval of any approved private plan if it finds that there is danger that the benefits accrued or to accrue will not be paid, that the security for such payment is insufficient, or for other good cause shown. No employer, and no union or association represent-

ing employees, shall so administer or apply the provisions of an approved private plan as to derive any profit therefrom. The division may withdraw its approval from any private plan which is administered or applied in violation of this provision.

(d) No termination of an approved private plan shall affect the payment of benefits, in accordance with the provisions of the plan, to disabled employees whose period of disability commenced prior to the date of termination. Employees who have ceased to be covered by an approved private plan because of its termination shall, subject to the limitations and restrictions of this act, become eligible forthwith for benefits from the State Disability Benefits Fund for disability commencing after such cessation, and contributions with respect to their wages shall immediately become payable as otherwise provided by law. Any withdrawal of approval of a private plan pursuant to this section shall be reviewable by writ of certiorari or by such other procedure as may be provided by law.

(c) Anything in this act to the contrary notwithstanding a covered employer who, under an approved private plan, is providing benefits at least equal to those required by the State plan, may modify the benefits under the private plan so as to provide benefits not less than the benefits required by the State plan; provided, that individuals covered under such plan shall not be required to contribute to such plan at a rate exceeding $\frac{3}{4}$ of 1% of the amount of "wages" established for any calendar year under the provisions of R. S. 43:21-7(b) prior to January 1, 1975, and $\frac{1}{2}$ of 1% for calendar years beginning on or after January 1, 1975. Notification of such proposed modification shall be given by the employer to the division and to the individuals covered under such plan, on or before May 1, 1975.

9. (New section) Notwithstanding any other provisions of R. S. 43:21-7(c) to the contrary, if the balance in the unemployment trust fund on December 1, 1974 is less than $2\frac{1}{2}\%$ of the total taxable wages reported to the division in respect to employment during the calendar year 1973, the contribution rates for the 6 months commencing on January 1, 1975 shall be determined pursuant to R. S. 43:21-7(c) as amended by this act, on the basis of the balance in the unemployment trust fund on March 31, 1974 and on the basis of the contribution and benefit record of each employer up to January 1, 1974.

10. This act shall take effect January 1, 1975, but the Commissioner of Labor and Industry is authorized to take such action prior to January 1, 1975 as may be necessary to prepare for implementation of the provisions thereof.

Approved August 21, 1974.

CHAPTER 87

AN ACT establishing and concerning a Division on Women in the Department of Community Affairs, prescribing its powers and duties, supplementing the "Department of Community Affairs Act of 1966," approved November 23, 1966 (P. L. 1966, c. 293) and repealing "An act establishing and concerning a women's division in the Department of Community Affairs, prescribing its powers and duties, providing for an appropriation therefor, and supplementing the 'Department of Community Affairs Act of 1966,' approved November 23, 1966 (P. L. 1966, c. 293)," approved May 12, 1969 (P. L. 1969, c. 40).

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

C. 52:27D-43.8 Short title.

1. This act shall be known as, and may be cited as, the "Division on Women Act of 1974."

C. 52:27D-43.9 Division on Women established.

2. There is hereby established in the Department of Community Affairs a Division on Women. The division shall consist of a director and the New Jersey Advisory Commission on the Status of Women.

C. 52:27D-43.10 Director; appointment; functions; salary.

3. The Director of the Division on Women shall be a person qualified by training and experience to perform the duties of his or her office. The director shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of a successor. The director shall administer the work of such division under the direc-

tion and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe. The director shall receive such salary as shall be provided by law.

C. 52:27D-43.11 Deputy director.

4. The director shall be assisted in the performance of his or her duties by a deputy director, who shall be a person qualified by training and experience to perform the duties of his or her office.

C. 52:27D-43.12 Powers and duties of director.

5. The Division on Women shall be under the supervision of the director. The director shall:

a. Appoint and remove such professionals, technical and clerical assistants, and employees, subject to the provisions of Title 11, Civil Service of the Revised Statutes, and other applicable statutes, as may be necessary to enable the division to perform the duties imposed upon it by this act and shall fix their compensation within the limits of available appropriations and as shall be provided by law;

b. Select and retain the services of consultants whose advice is considered necessary to assist the division in obtaining information or developing plans and programs required for the performance of the duties and responsibilities of the division as provided by this act;

c. Attend all meetings of the New Jersey Advisory Commission on the Status of Women and its committees but shall have no vote. The director may delegate to subordinate officers or employees the responsibility to attend the meetings of the commission.

C. 52:27D-43.13 Purposes of division.

6. The division, under the supervision and leadership of the director, shall:

a. Serve as the central permanent agency for the coordination of programs and services for the women of New Jersey and for the evaluation of the effectiveness of their implementation and as a planning agency for the development of new programs and services;

b. Establish a liaison with all other governmental departments and agencies involved with the enforcement of laws, ordinances and regulations and with the development of programs affecting the status of women;

c. Request State departments and other public and private agencies on a State, county, and local level to initiate joint efforts

to promote the expansion of rights and opportunities available to the women of this State;

d. Cooperate with all Federal and interstate programs and services provided for women;

e. Engage in a continuous study of the changing needs and concerns of women in New Jersey and develop and recommend new programs to the Governor and the Legislature;

f. Consult with, advise, and otherwise provide professional assistance to organized efforts by communities, organizations, associations and groups which are working toward the goal of improving the status of women;

g. Serve as a clearing house to publish and disseminate information and to provide assistance and direction to women with specific problems and needs;

h. Act as a search committee for the Governor and other executive officers in the State Government for the purpose of discovering and recommending women who are talented and qualified to serve in the Executive Branch of the State Government;

i. Report annually to the Commissioner of the Department of Community Affairs and the Governor on its activities and recommendations;

j. Do all other things necessary to carry out the powers and duties granted under this act.

C. 52:27D-43.14 New Jersey Advisory Commission on the Status of Women; membership; vacancy; chairperson; other officers.

7. The New Jersey Advisory Commission on the Status of 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 his or her successor is appointed and qualified, except that of those first appointed four each should be appointed for a term of 3 years, four each for a term of 2 years, and three each for a term of 1 year. Each vacancy caused by other than expiration shall be filled for the unexpired term only. The members of the commission shall be persons who represent varying racial, ethnic and socioeconomic backgrounds, age groups, occupations, and geographical locations and shall include persons who represent the interests of Statewide women's organizations. A chairperson shall be appointed by the Governor. Other officers of the commission shall be elected from among the members by the members for a term of 2 years.

C. 52:27D-43.15 Functions of commission.

8. The commission, acting jointly and as a body, shall advise the Director of the Division on Women on matters referred to it by the director and may originate and make recommendations to the director concerning policies and their implementation. The commission, or any member thereof, may not act in the name of or as an agent of the Division on Women or give instructions to the director or a member of the staff of the division.

C. 52:27D-43.16 Meetings; adoption of bylaws.

9. The commission shall meet at regular intervals and at least four times annually. The times and places for the said meetings shall be fixed by the commission and special meetings may be called by the chairperson on not less than 10 days' written notice to each member. The commission may adopt bylaws for the regulation of its affairs.

C. 52:27D-43.17 Compensation.

10. The members of the commission shall serve without compensation but shall be entitled to reimbursement for their necessary expenses incurred in the performance of their duties.

Repealer.

11. P. L. 1969, c. 40 (C. 52:27D-43.1 to 52:27D-43.7 inclusive) is repealed.

12. This act shall take effect July 1, 1974.

Approved August 26, 1974.

CHAPTER 88

AN ACT concerning certain retired employees of counties, municipalities and school districts in connection with the New Jersey State Health Benefits Program and amending P. L. 1964, c. 125.

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

1. Section 7 of P. L. 1964, c. 125 (C. 52:14-17.38) is amended to read as follows:

C. 52:14-17.38 Rates and charges; remittance; reimbursement; payment of premiums.

7. The Division of Pensions shall certify to the certifying agent

of each employer electing participation under the program the premium rates and periodic charges applicable to the coverage provided for employees and dependents. The participating employer shall remit to the division all contributions to premiums and periodic charges in advance of their due dates, subject to the rules and regulations of the commission.

The employer shall reimburse the active employee for his premium charges under Part B of the Federal Medicare Program covering the employee and the employee's spouse.

From funds allocated therefor, the employer other than the State may pay the premium or periodic charges for the benefits provided to a retired employee and his dependents covered under the program, but not including survivors, if such employee retired from a State or locally-administered retirement system on a benefit based on 25 years or more of service credited in such retirement system, excepting the employee who elected deferred retirement, but including the employee who retired on a disability pension based on fewer years of service credited in such retirement system and may also reimburse such retired employee for his premium charges under Part B of the Federal Medicare Program covering the retired employee and the employee's spouse.

2. This act shall take effect immediately.

Approved August 29, 1974.

CHAPTER 89

AN ACT concerning education and supplementing chapter 64A 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:64A-30 Community college agency; establishment.

1. The board of chosen freeholders of any county which has not established a county college may, with the consent of the Board of Higher Education, establish a community college agency.

C. 18A:64A-31 Definitions.

2. A "community college agency" means an educational institution established or to be established by one or more counties sponsoring programs of instruction similar to those offered by a

county college and governed by a community college commission which shall be constituted as provided in section 3 of this act.

C. 18A:64A-32 Community college commission; membership; vacancies; compensation.

3. The community college commission shall consist of: one representative each nominated by the respective boards of trustees of each of the accredited colleges, whether public or private, the principal campus of which is located in the county; one representative from the county vocational-technical school board nominated by that board; the county superintendent of schools; and four public members who are residents of the county having no official connection with the educational institutions hereinbefore mentioned. Except for the county superintendent of schools, all appointments shall be made by the director of the board of chosen freeholders, with the advice and consent of that board for terms of 4 years each, except that the initial appointments shall be made in four classes as nearly equal as possible in number, one class to serve for 1 year, one class to serve for 2 years, one class to serve for 3 years, and one class to serve for 4 years. The term of all members of the commission shall begin on July 1. Members initially appointed to the commission may serve from the time of their respective appointments, but the term of such office shall be deemed to commence as of July 1 of the year in which the appointment was made. Each member shall serve until his successor shall have been appointed and qualified. Vacancies shall be filled in the same manner as the original appointments and for the remainder of the unexpired terms. The members of the commission shall serve without compensation for their services, but shall be entitled to receive reimbursement for all reasonable and necessary expenses incurred by virtue of services as a member of the commission.

C. 18A:64A-33 Public members.

4. When a community college commission is established by more than one county, the number of public members shall be increased by two for each additional participating county. Each county shall also be represented by a member nominated by the county's vocational-technical school board and the county superintendent of schools.

C. 18A:64A-34 Commission body corporate.

5. A community college commission shall be a body corporate and shall be known as the "Community College Commission of . . .
....." (here insert the name of the county).

C. 18A:64A-35 Powers and duties.

6. The community college commission shall have all the powers, duties and responsibilities as granted the board of trustees of a county college pursuant to N. J. S. 18A:64A-12 except the power of eminent domain.

C. 18A:64A-36 Annual report.

7. The commission shall make an annual report on academic and fiscal affairs to the board of chosen freeholders and to the Board of Higher Education, and annually recommend the funds necessary to be included in the county budget pursuant to N. J. S. 18A:64A-15 through 20 for the purpose of public higher education in accordance with the needs for support and facilities as determined by the commission. The first year's estimate of expenses shall be prepared and delivered pursuant to N. J. S. 18A:64A-21.

C. 18A:64A-37 Eligibility for State and federal support.

8. In accordance with rules and regulations adopted by the Board of Higher Education governing such commissions, a community college commission shall be eligible to receive State support for operational and capital costs pursuant to N. J. S. 18A:64A-22, and to the extent State concurrence may be required, any Federal support that may be available under the higher education assistance acts or any other appropriate Federal acts. Nothing in this act shall prevent the commission from receiving any other public funds that may be available.

C. 18A:64A-38 Faculty and staff.

9. Faculty and staff directly employed by the commission shall be subject to the provisions of all statutes, regulations and standards governing equivalent positions at a county college.

C. 18A:64A-39 Institutional representation.

10. Institutional representation of the community college commission shall not be construed to impair or modify any power, privilege, exemption, or responsibility granted to any institution of higher education under its charter or pursuant to N. J. S. 18A:68-6.

11. This act shall take effect immediately.

Approved August 29, 1974.

CHAPTER 90

AN ACT concerning per diem compensation of certain constables serving the Superior and County Courts, and amending N. J. S. 2A:11-47.

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

1. N. J. S. 2A:11-47 is amended to read as follows:

Per diem of constable attending certain courts.

2A:11-47. Except as otherwise provided by law, the constables of the several counties shall receive for each day and every day they are engaged in attendance upon the Law Division of the Superior Court and the County Court in their respective counties, the sum of \$5.00 or such greater sum not exceeding the sum of \$25.00 as the boards of chosen freeholders of such respective counties may, by resolution, determine; which shall be in full and in lieu of all mileage or other allowances authorized prior to March 23, 1926.

2. This act shall take effect January 1 next succeeding enactment.

Approved September 10, 1974.

CHAPTER 91

AN ACT concerning proceedings to bar the right of redemption in the case of property sold to a municipality at a tax sale, and amending R. S. 54:5-47, R. S. 54:5-54, R. S. 54:5-77, R. S. 54:5-86 and P. L. 1948, c. 96.

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

1. R. S. 54:5-47 is amended to read as follows:

Certificate of sale; form and content.

54:5-47. The certificate shall be substantially in the following form:

“I,, collector of taxes
of (name of

municipality), hereby certify that on, 19 , I sold to for dollars, the lands in the municipality described as on the tax duplicate of the municipality, and assessed thereon to as owner (followed by amplified description if desired). The amount of sale was made up of the following items (followed by the items, including interest and costs). The sale is subject to redemption on repayment of the amount of the sale, together with interest thereon at the rate of per cent per annum from the date of sale, and the costs incurred by the purchaser. The sale is subject only to municipal liens accruing after December 31, 19 (insert year of last item of taxes or assessment for which sale is made). The right to redeem will expire in 6 months after the service of notice to redeem, except that the right to redeem shall extend for 6 months from the date of sale or from the date of service of notice when the municipality is the purchaser and extend for 2 years from the date of sale for all other purchasers.

“Witness my hand and seal this day of, 19 (Followed by acknowledgment).”

2. R. S. 54:5-54 is amended to read as follows:

Right of redemption by owner or person having interest.

54:5-54. Except as provided in R. S. 54:5-77 b., the owner, mortgagee, occupant or other person having an interest in land sold for municipal liens, may redeem it at any time within 6 months from the date of sale when the municipality has purchased the property at the tax sale, or within 2 years from the date of sale when the purchaser is other than the municipality, or at any time thereafter until the right to redeem has been cut off in the manner in this chapter set forth, by paying to the collector, or to the collector of delinquent taxes on lands of the municipality where the land is situate, for the use of the purchaser, his heirs or assigns, the amount required for redemption as hereinafter set forth.

3. R. S. 54:5-77 is amended to read as follows:

Notice of right to redeem; service by holder of tax title.

54:5-77 a. The holder of the tax title may at any time within 20 years after the purchase, give notice in writing to all persons interested in the land of their right to redeem. Except as hereinafter provided in subsection b. of this section, the following notice

requirements and periods of redemption shall govern the foreclosure by municipal and private holders of tax titles: for property purchased by the municipality, if notice is served within 10 days of the tax sale, it shall state that the right to redeem will be barred 6 months after the date of the sale; for property purchased by other than a municipality, if the notice is served within 18 months of the sale, it shall state that the right to redeem will be barred 2 years after the date of the sale. If notice is served beyond said periods, it shall state that the right to redeem shall be barred 6 months from the service of the notice. The notice shall be served personally on the persons interested who reside in the municipality, and on others it may be served personally, or by mailing to their post-office address, if it can be ascertained, or by posting on the premises sold, if their post-office address cannot be ascertained. In all cases where it is not served personally a copy shall be published once in a newspaper in which ordinances of the municipality may be published. In the event it shall appear by the last tax duplicate of said municipality that there is no assessment for a building against said lands, in lieu of posting the notice on said premises, the holder of the tax sale certificate may cause copies of the notice to be posted in the office of the tax collector of said municipality and in three other conspicuous places within the taxing district in which the land is located.

b. Any municipality which holds the tax title may at any time file an action with the Superior Court in the county wherein said municipality is situate, demanding that the right of redemption on such land be barred. Such action shall be heard in a summary manner, and the court shall grant a judgment barring the right of redemption if it finds that the land or any improvement thereon is hazardous to the public health, safety and welfare, or unfit for human habitation; any judgment rendered pursuant to such summary proceeding shall be subject to the appropriate provisions of R. S. 54:5-54, except that in the case of an unknown owner or unknown claimant, the equity of redemption shall be barred pursuant to the provisions contained in R. S. 54:5-90. Notice and service of process shall be made pursuant to the Rules Governing the Courts of the State of New Jersey. It shall be an absolute defense to the action that the owner, mortgagee, or other person having an interest therein has abated, removed, or corrected the condition or conditions which cause the improvement to be hazardous to the public health, safety and welfare, or unfit for human habitation, or has deposited with the court (1) the amount of money required, as

determined by the court, to abate, remove or correct the condition or conditions, or (2) a performance bond in double the amount thereof. Thereupon, the owner, mortgagee, or other person having an interest in said land, shall proceed to abate, remove or correct said condition or conditions within such time as the court shall deem reasonable under the circumstances. Moneys deposited with the court may, in the court's discretion, be used to abate, remove or correct the condition or conditions involved, or may be paid to the depositor or such other persons, as the court determines, who have abated, removed or corrected such condition or conditions. The amount of any performance guarantee deposited with the court may be proportionately reduced by the court as portions of the work are completed.

4. R. S. 54:5-86 is amended to read as follows:

Action to foreclose right to redeem; joinder of causes; right continues until barred.

54:5-86. The purchaser, his heirs or assigns, in addition to the remedy provided by article eight of this chapter (§ 54:5-77 et seq.), may, at any time after the expiration of the term of 6 months from the date of sale when the municipality is the purchaser, and 2 years from the date of sale for all other purchasers, whether notice to redeem has been given or not, institute an action to foreclose the right of redemption. On instituting the action the right to redeem shall exist and continue until barred by the judgment of the Superior Court.

5. Section 6 of P. L. 1948, c. 96 (C. 54:5-104.34) is amended to read as follows:

C. 54:5-104.34 Time for institution of action.

6. No action may be instituted under this act on any tax sale certificate unless:

a. More than 6 months have expired from the date of the tax sale out of which any such certificate arose; and

b. All or any portion of the general land taxes levied and assessed against the land for 21 months next preceding the commencement of the action, other than those subject to payment by installments authorized by a resolution adopted pursuant to R. S. 54:5-65, remains unpaid.

6. This act shall take effect immediately.

Approved September 10, 1974.

CHAPTER 92

AN ACT concerning property exempt from attachment and amending
N. J. S. 2A:26-4.

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

1. N. J. S. 2A:26-4 is amended to read as follows:

Property exempt.

2A:26-4. Household goods and furniture not exceeding \$1,000.00 in value of a person shall be exempt from attachment, except for a debt incurred in the purchase thereof.

If the attaching officer believes that the goods and furniture exceed such value, he may attach and include them in his inventory and appraisal, and the person entitled to the exemption, his family or his estate shall forthwith, on demand by the officer, select, from the inventoried and appraised property, goods and furniture to the value of \$1,000.00. A failure to make the selection shall be deemed to be a waiver of the exemption.

2. This act shall take effect immediately.

Approved September 10, 1974.

CHAPTER 93

AN ACT concerning bail and recognizances in criminal cases, and supplementing chapter 162 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:162-11 Continuance of bail or recognizance in connection with appeal;
release of person on judge's own recognizance.**

1. In every case where a person has been convicted in a municipal court of a disorderly persons violation, and he has not violated or forfeited his bail or recognizance, such bail or recognizance shall continue in the same terms and effect pending appeal to a County Court in lieu of posting a new bond in connection with the appeal, or in the alternative the judge of the municipal court may discharge

any such bail or recognize and release the person on his own recognizance.

2. This act shall take effect immediately and shall apply to all bails and recognizances entered after enactment.

Approved September 10, 1974.

CHAPTER 94

AN ACT concerning unemployment compensation and extended benefits, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. 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 July 31, 1974 and prior to April 30, 1975, a determination that there has been a State "on" or "off" indicator beginning or 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, c. 324 (C. 43:21-24.11 d. e.).

2. Extended benefits shall be paid pursuant to the provisions of this act so long as the payments conform to and are not in conflict with the Federal-State Extended Unemployment Compensation Act of 1970, as amended by United States P.L. 93-368, approved August 7, 1974.

3. This act shall take effect immediately and shall be applied retroactively to August 1, 1974.

Approved September 10, 1974.

CHAPTER 95

AN ACT to provide a special charter for the township of Montville in the county of Morris.

WHEREAS, The township committee of the township of Montville

in the county of Morris has petitioned the Legislature for the passage of a special law to provide a new charter for the township, pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947, in accordance with the procedure prescribed by P. L. 1948, c. 199 (C. 1:6-10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of such special law has been duly published, and the original of the petition, together with a duly certified copy of the ordinance authorizing the filing of the same, have been duly presented and filed; now, therefore

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

1. THE CHARTER

ARTICLE I. GENERAL PROVISIONS AND POWERS

Section 1.1 Short title. This act shall be known and may be cited as the "Montville Township Charter, 1974."

1.2 Effect of adoption. Upon the adoption of this charter by the voters as hereinafter provided, the inhabitants of the township of Montville, in the county of Morris, within the territorial limits of the township as heretofore prescribed by law, and any amendments thereof, shall constitute a body politic and corporate with perpetual succession under the name of Montville township. The corporation shall then be governed by the provisions of this charter, as defined by section 1.3.

1.3 Definitions. For the purpose of this act, and for the interpretation of any law, ordinance or resolution applicable to the township, unless the context otherwise requires:

a. "Administrative code" shall mean an ordinance providing, subject to the charter, for the organization or administration of the township government, for the exercise or discharge of its functions, powers and duties, and for the management or control of its property, affairs or government.

b. "Charter" shall mean this act and all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the township of Montville.

c. "Committee" shall mean the governing body of the township, constituted and elected pursuant to the charter.

d. "Administrator" shall mean the township administrator duly appointed pursuant to the charter.

e. "Department" shall mean an administrative organization

unit for the township government established or designated by or pursuant to the charter as a department.

f. "Township" shall mean the township of Montville within the boundaries now existing or which may be hereafter established pursuant to law.

1.4 Powers. In addition to such powers as may otherwise be conferred by the charter, the township may:

a. Organize and regulate its internal affairs, and establish, alter and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation.

b. Adopt and enforce ordinances and impose penalties for violation thereof, by fine or imprisonment or both as such sanctions are authorized by general law.

c. Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law.

d. Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the township and the good government thereof.

e. Exercise all powers of condemnation, borrowing and taxation in the manner provided by general law.

f. Exercise all powers of local government in such manner as its governing body may determine.

1.5 Self-government generally. The general grant of municipal power contained in this charter is intended to confer the greatest powers of local self-government consistent with the Constitution of this State. No specific enumeration of municipal powers contained in the charter shall be construed in any way to limit the general description of power contained in this article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this article. All grants of power to the township, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this State, in favor of the township.

ARTICLE II. GOVERNING BODY

Section 2.1 Township committee. The township shall be governed by a township committee consisting of five committeemen who shall

be elected at large for 3-year overlapping terms by the voters at the general election as provided by general law and Title 19 of the Revised Statutes.

2.2 Powers of committee.

a. The legislative power of the township shall be exercised by the committee.

b. The committee shall appoint and may remove a township administrator, the municipal clerk, all citizen members of the planning board, the board of adjustment, the judge of the municipal court, municipal attorney, and members of all other boards and commissions which the committee may create. The clerk shall serve an indefinite term but may be removed by the committee at any time until tenure is earned in the manner provided by general law.

c. It is the intention of this charter that the committee shall act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the administrator, or any other officers; to request or direct the appointment or removal of any person to or from office; or to interfere with the performance by such officers of their duties. The committee and its members shall deal with the administrative service solely through the administrator and shall not give orders to any subordinates of the administrator, either publicly or privately.

d. The committee shall by administrative code provide for continuation or creation of departments, boards and offices, and define their powers and duties, and may alter or abolish any or all such agencies.

2.3 Investigations.

a. The committee may make investigations into the affairs of the township and the conduct of any township department, office, commission or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. In addition to any other remedy, any person who willfully fails or refuses to obey a lawful order issued in the exercise of these powers by the committee shall be adjudged a disorderly person, punishable by a fine of not more than \$200.00, or by imprisonment for not more than 30 days, or both.

b. The township committee may hold and conduct such administrative hearings relative to the discipline or removal of township employees—other than the township administrator—as may be appropriate and consistent with New Jersey Civil Service Law.

2.4 Procedure.

a. The committee shall by ordinance or resolution determine its own rules of procedure, not inconsistent with the charter, fix a regular meeting time, provide for special meetings, and adopt its standing order of business. The mayor may, and upon written request of a majority of the members of the committee shall, call a special meeting. In the call, he shall designate the purpose of the special meeting and no other business shall be considered.

b. All meetings of the committee shall be open to the public. The clerk shall keep a journal of committee proceedings and record the minutes of every meeting.

c. Quorum; voting. A majority of the whole number of members of the committee shall constitute a quorum. The vote upon every ordinance shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the township clerk.

2.5 Compensation. The committee may provide by ordinance for an annual salary of committeemen, but may change such salary only during the time provided by law for adopting the annual budget. In addition to such salary, committeemen may be paid their actual and necessary expenses incurred in the performance of the duties of their office.

2.6 Mayor. The committee shall elect one of its members as mayor, to serve for the calendar year and until the election and qualification of his successor. The committee also may appoint a vice-mayor to serve during the mayor's absence or disability. The mayor shall:

a. Deliver to the committee an annual message on the condition and needs of the township.

b. Preside at all meetings of the committee when he is in attendance, and appoint standings or special committees.

c. Sign bonds, contracts, deeds and other legal documents, on behalf of the township and pursuant to law.

The powers and duties of the mayor shall be only such as are expressly conferred upon him by this charter.

2.7 Elective township officers. The members of the committee shall be the only elective township officers. They shall be nominated and elected as required by the charter at a general election, or if there is no general election in a year when an election is required

to fill a vacancy, at an election to be held on the first Tuesday after the first Monday in November of such year, in accordance with the provisions of Title 19 of the Revised Statutes.

ARTICLE III. ADMINISTRATION

Section 3.1 Township administrator. There shall be a township administrator who shall be appointed by a majority of the committee. He shall serve an indefinite term and may be removed by majority vote of the whole committee. The administrator shall be chosen solely on the basis of his experience and administrative qualifications in respect to the duties of the office as hereinafter set forth. At the time of his appointment, he need not be a resident of the township or State, but during his term of office he may reside outside the township only with the approval of the committee.

3.2 Removal. The municipal administrator may be removed by a majority vote of the township committee. The resolution of removal shall become effective 3 months after its adoption by the committee provided that if it is specified to have immediate effect, the committee shall cause to be paid to the administrator, forthwith, any unpaid balance of his salary and his salary for the next 3 calendar months following adoption of the resolution.

3.3 Administrator; powers and duties. The township administrator, subject to the supervision of the committee, shall:

a. Be the chief executive and administrative official of the municipality.

b. Execute all laws and ordinance of the municipality.

c. Appoint and remove, subject to committee approval, a deputy administrator if one be authorized, and all department heads; appoint and remove all other employees for whose selection or removal no other method is provided herein or by general law, and authorize department heads to appoint and remove subordinates in their departments; supervise and control all township employees; report all appoints or removals at the next meeting thereafter of the committee.

d. Designate a qualified administrative officer to perform his duties during his temporary absence or disability.

e. Negotiate contracts for the municipality subject to the approval of the committee, make recommendations concerning the nature and location of public improvements, and execute public improvements as determined by the committee.

f. See that all terms and conditions imposed in favor of the township or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the committee.

g. Attend all meetings of the committee with the right to take part in the discussions, but not to vote.

h. Recommend to the committee for adoption such measures as he may deem necessary or expedient, keep the committee advised of the financial condition of the township, make reports to the committee as requested by it, and at least once a year, make an annual report of his work for the benefit of the committee and the public.

i. Perform such other duties as may be required by ordinance or resolution of the committee.

The administrator shall be responsible to the committee for carrying out all policies established by it and for the proper administration of all affairs of the township within the jurisdiction of the committee.

3.4 Budgets. The administrator shall annually prepare and submit to the committee his recommended (1) current expense budget and (2) capital budget. Both documents shall be submitted as required by law or ordinance and shall include appropriate provisions to carry out committee policies and directives. The administrator shall transmit the budgets to the committee, together with his recommendations, within the time limited by law for the introduction and adoption by the township committee of municipal budgets.

3.5 Budget operation. The committee shall provide for controls in the operation of the budgets and the management of finances. Such controls may include a system of work programs and quarterly allotments, encumbrance of obligations, issuance of purchase orders, preaudit of claims and demands, authorization of disbursements without committee action, reports of income and expenditure, and/or such others as it deems appropriate.

3.6 Personnel and purchasing. The committee shall provide by ordinance for the organization and administration of central personnel and central purchasing functions serving all township departments.

ARTICLE IV. DEPARTMENTAL ORGANIZATION

Section 4.1 Departments generally. The committee shall provide by ordinance for the organization of all of the administrative functions, powers and duties of the township among and within depart-

ments. Such ordinance, or amendments thereof, may allocate, assign and transfer functions, powers and duties of officers and employees among and within departments.

4.2 Department heads. Each department shall be headed by a single executive who shall be appointed and may be removed by the township administrator, subject to the approval of the committee. Each department head shall serve for such term as may be provided by or pursuant to the charter. Subject to the direction and supervision of the township administrator, each department head shall:

- a. Organize, direct and supervise the work of his department.
- b. Appoint subordinate officers and employees within his department, and remove any such officers and employees, subject to:
 1. the provisions of Article 2.3;
 2. the provisions of the Revised Statutes, Title 11, Civil Service.
- c. Prepare and submit to the committee such annual and other reports as may be authorized or required by the township administrator.
- d. Review and approve bills and claims against the township for things or services delivered to his department.
- e. Administer his department in accordance with such standards and procedures, and account therefor, as may be approved or required by the township administrator.

ARTICLE V. OFFICERS AND EMPLOYEES

Section 5.1 Conflict of interest prohibited. No officer or employee shall be interested directly or indirectly in any contract or job for work or materials, or in the profits thereof, to be furnished or performed for the township or for any public or private utility operating within the territorial limits of the township.

5.2 Special privileges prohibited. No officer or employee shall accept or receive, directly or indirectly, from any person or agency operating any public or private utility under franchise within the territorial limits of the township, any frank or any pass, ticket or service either free or on terms more favorable than those granted to the public generally.

5.3 Promise or rewards prohibited. No officer, appointee, or employee and no candidate for office, appointment or employment shall directly or indirectly give or promise any office, position, employment, benefit or thing of value to any person for the purpose of influencing or obtaining his political support, aid or vote, under the penalty of being disqualified to hold the office or employment to which elected or appointed.

5.4 Penalty for violation. Any person who shall violate any provision of the above shall, upon conviction thereof in a court of competent jurisdiction, forfeit his office.

5.5 Persons convicted of offenses. Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any office, position or employment governed pursuant to this charter. Upon conviction thereof while in office, he shall forfeit his office; provided, that any such person who, in the opinion of the appointing authority (and the Civil Service Commission as to employment subject to the Civil Service law), has achieved a degree of rehabilitation such that his employment would not be incompatible with the welfare of society and the aims and objectives of the township, may be considered eligible to apply for employment or to be continued in employment.

5.6 Failure to appear and testify grounds for removal. Any person hereafter elected or appointed to any office or position governed under this charter may be removed from office by the committee in its discretion if, after lawful notice or process, he shall (a) willfully refuse or fail to appear before any court, any Legislative committee, or the Governor; (b) having appeared, shall refuse to testify or to answer any question regarding the property, government, or affairs of the township or regarding his nomination, election, appointment or official conduct, on the ground that his answer would tend to incriminate him; (c) shall refuse to waive immunity from prosecution on account of any such matter in relation to which he may be asked to testify.

No person removed from office pursuant to this section shall thereafter be eligible for election or appointment to any office or employment in the township.

ARTICLE VI. INITIATIVE AND REFERENDUM

Section 6.1 Initiative power. The voters of the township may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the committee by a petition signed by 25% of the registered voters of the township.

6.2 Referendum power. The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance passed by the committee, against which a referendum petition has been filed as herein provided.

No ordinance passed by the committee, except when otherwise required by general law, shall take effect before 30 days from the date

of its final passage. If within 30 days after such final passage a petition protesting against the passage of such ordinance shall be filed with the township clerk and if the petition shall be signed by 25% of the registered voters, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

6.3 Form and content of petition. All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached, a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name, his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the committee of the petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

6.4 Certification. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the township clerk as one instrument. Within 20 days after a petition is filed, the clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of registered voters. After completing his examination of the petition, the clerk shall certify the result thereof to the Committee at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least two members of the committee of the petitioners of his findings.

6.5 Amendments. An initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been served by the township clerk by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The clerk shall, within 5 days after such an amendment is filed, examine the amended petition and,

if the petition be still insufficient, he shall file a certificate to that effect in his office and notify the committee of petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.6 Ordinance suspended. Upon the filing of a referendum petition with the township clerk the ordinance shall be suspended until 10 days following a finding by the clerk that the petition is insufficient or, if amended petition be filed, until 5 days thereafter. If the petition or amended petition be found to be sufficient, the ordinance shall be suspended until the petition be withdrawn by the committee of the petitioners or until repeal of the ordinance by vote of the committee or approval or disapproval of the ordinance by the voters.

6.7 Submission to committee. Upon a finding by the clerk that any petition or amended petition filed with him in accordance with this article is sufficient, the clerk shall submit the same to the committee without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing for further consideration pursuant to law.

6.8 Submission to voters. If within 60 days of the submission of a certified petition by the township clerk the committee shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the clerk shall submit the ordinance to the voters unless, within 10 days after final adverse action by the Committee or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the committee of the petitioners shall be filed with the township clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

6.9 General or special elections. Any ordinance to be voted on by the voters in accordance with section 6.8 of this article shall be submitted at the next general election occurring not less than 60 days after the date of final action by the committee or expiration of the time allowed for action by the committee, as the case may be; provided, that if no election is to be held within 90 days, the committee may in its discretion provide for a special election.

6.10 Elections generally. Any number of purposed ordinances may be voted upon at the same election in accordance with the pro-

visions of this article, but there shall not be more than one special election in any period of 6 months for such purpose.

6.11 Publication. Whenever an ordinance is to be submitted to the voters of the township at any election in accordance with this article, the clerk shall cause the ordinance to be published in at least one of the official newspapers published or circulated in the township. The publication shall be not more than 20 or less than 10 days before the submission of the ordinance or proposition to be voted on.

6.12 Ballots. The ballots to be used at such election shall be in substantially the following form:

To vote upon the public question printed below, if in favor thereof mark a cross (×) or plus (+) or check (✓) in the square at the left of the word "Yes," and if opposed thereto mark a cross (×) or plus (+) or check (✓) in the square to the left of the word "No".

	Yes.	"Shall the ordinance (indicate whether submitted by committee or initiative or referendum petition) providing for (here state nature of proposed ordinance or proposition) be adopted?"
	No.	

6.13 Election results. If a majority of the qualified electorate voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the township and be published as in the case of other ordinances. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

ARTICLE VII. TRANSITIONAL PROVISIONS

Section 7.1 Committee and committeemen. The township committeemen in office upon the effective date of the charter shall continue, each for the remainder of his unexpired term, and shall constitute the committee under this chapter for all purposes.

7.2 Ordinances and resolutions. All ordinances and resolutions of the township adopted prior to the effective date of the charter shall remain in full force and effect, except to the extent that they are inconsistent with the provisions of the charter, until altered, amended or repealed pursuant to law.

7.3 Officers and employees. The adoption of the charter shall not affect the term, tenure, pension rights, civil service rights or com-

pensation of any person in office or employment upon the effective date of the charter.

7.4 Volunteer fire companies. The adoption of the charter shall not in any way adversely affect the status, rights, privileges or immunities of the volunteer fire companies or their individual members.

7.5 Administrative code. Within 30 days after the effective date of the charter, the committee shall provide by ordinance for the organization and administration of the township government in accordance with the requirements of the charter. Pending enactment of such an ordinance or ordinances, the township government may be organized and administered as heretofore.

7.6 Pending actions and proceedings. No action or proceedings, civil or criminal, pending at the time when this charter shall take effect, brought by or against the township or any agency or officer, shall be affected or abated by the adoption of the charter or administrative code. All such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer, party thereto, may be assigned or transferred to another agency or officer. In that event, the action or proceeding may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties are assigned or transferred.

ARTICLE VIII. VALIDITY

1. If any section, subsection, sentence, clause, phrase or portion of this charter is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and the invalidity thereof shall not affect the validity of the remaining portions thereof.

2. Charter election provisions.

a. Submission. The question of adoption of this act shall be submitted to the legal voters of the township of Montville at the next general election to be held not less than 40 days following the effective date of this act.

b. Ballots. The referendum shall be conducted at such polling places as may be designated by the committee by resolution. The committee may provide for the use of either voting machines or paper ballots at such polling places. The public question to be submitted to the voters shall be in the following form:

	Yes.	Shall "An act relating to the government and administration of the township of Montville in the county of Morris," known and designated as the "Montville Township Charter 1974" be adopted?
	No.	

c. **Effective vote.** If a majority of all the valid votes cast for and against the adoption of this act at such election shall be cast in favor of the adoption thereof, this act shall take effect and become operative in accordance with its terms.

3. **Validation.** All proceedings of the township committee of the township of Montville, county of Morris, including the elections and qualifications of its members, and all actions of the said township committee, relating to this act, and to the petition of the Legislature for the passage of a special act, and the time and manner of publication of notice of intention to apply therefor, are hereby ratified, confirmed and validated.

4. **Effective date.** This act shall take effect immediately, subject to the results of the referendum herein provided. Following such referendum the township clerk shall forthwith file his certificate of the results of the referendum on the public question with the Secretary of State, and the charter shall become operative on the first day of the year next following a favorable vote determined pursuant to section 2 of this act.

Approved September 11, 1974.

CHAPTER 96

AN ACT concerning tax appeals and amending P. L. 1973, c. 123.

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

1. Section 7 of P. L. 1973, c. 123 is amended to read as follows:

C. 54:1-35a Applicability of act.

7. This act shall take effect immediately and shall be applicable with respect to the tax year 1976 and thereafter.

2. This act shall take effect immediately.

Approved September 11, 1974.

CHAPTER 97

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 and 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 resolution authorizing the election, the proposal contained in the published and posted notice of election or the proposal set forth on the ballot did not correctly disclose the effect of the issuance of the bonds on the borrowing margin of any municipality comprising the school district in compliance with the provisions of N. J. S. 18A:24-22, or notwithstanding that any supplemental debt statement or school debt statement required by the provisions of N. J. S. 18A:24-16 incorrectly stated the amount of the proposed issue of bonds or the computation of school indebtedness and deductions and the effect of the issuance of school bonds authorized under P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.); provided, however, that prior to the issuance of bonds or other obligations proper supplemental debt statements and school debt statements were duly prepared and filed, except as to time, as required by N. J. S. 18A:24-16; and provided, further, that all proceedings, actions and other things required to be performed in connection with any such school district election were duly performed in accordance with law; and provided, further, that no action, suit or proceeding to contest the validity of such election has heretofore been instituted within the time fixed therefor by or pursuant to law, or if such time has not heretofore expired, within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved September 13, 1974.

CHAPTER 98

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 any 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 the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, when 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 N. J. S. 18:24-22, provided, however, that a supplemental debt statement has heretofore been prepared and filed in the places required by said N. J. S. 18A:24-17, and provided further, that no action or suit of any nature to contest the validity of such proceedings has heretofore been instituted in any court of competent jurisdiction prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved September 13, 1974.

CHAPTER 99

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 notices relating to such election were not published as required by the provisions of the "Absentee Voting Law (1953)" (P. L. 1953, c. 211) as amended, 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 any applications received by the secretary of the board of education of the school district for military service ballots or civilian absentee ballots for such election were forwarded to the clerk of the county in which such school district is located; and provided further, that notices of such election were posted prior to the election as required by law; and provided further that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date 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 September 13, 1974.

CHAPTER 100

A SUPPLEMENT to the "Safe and Clean Neighborhoods Act of 1973," approved February 27, 1973 (P. L. 1973, c. 46).

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

1. Those municipalities which receive State aid pursuant to the provisions of P. L. 1973, c. 46 (C. 52:27D-108 et seq.) may anticipate in the municipal budget prepared for the year 1974 an amount equivalent to that which they were entitled to receive under section 3 a. and b. of said act, provided that each such municipality makes application to the Commissioner of the Department of Community Affairs and meets the criteria and standards contained in section 3 a. and b. and section 4 of P. L. 1973, c. 46 and the rules and regulations in connection therewith issued by the commissioner.

2. In the event that any funds remain unapportioned as certified by the Commissioner of the Department of Community Affairs after each qualifying municipality has had an opportunity to apply for State aid under section 1 of this act, 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.

3. The Commissioner of the Department of Community Affairs shall, within 5 days of the effective date of this act, determine and certify to the State Treasurer and the chief financial officer of each municipality which shall receive aid under this act the amount payable to each qualifying municipality. 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 each qualifying municipality the amount so determined and certified.

4. 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," (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 by the Commissioner of the Department of Community Affairs 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 1974.

5. 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.

6. Any determination of the Commissioner of the Department of Community Affairs pursuant to this act as to the amount of matching funds allowable 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.

7. This act shall take effect immediately.

Approved September 16, 1974.

CHAPTER 101

AN ACT authorizing municipalities to acquire, construct and maintain sanitary sewerage facilities within the grounds of certain camp meeting associations, to appropriate moneys therefor, to assess the costs thereof on benefited properties, to issue bonds and notes therefor, and supplementing chapter 48 of Title 40 of the Revised Statutes.

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

C. 40:48-2.48 Construction of sewerage facilities; assessment; issuance of bonds.

1. Whenever any real property owned by and controlled by any camp meeting association heretofore or hereafter incorporated under any laws of this State shall lie within the territorial area of any municipality, and said association, and the lessees of any such real property pay taxes to said municipality based on assessments and rates fixed by said municipality, and said lessees are legal voters within said municipality, then, pursuant to a determination by the governing bodies of said association and municipality that said association is unable to provide proper sewerage facilities with respect to said real property lying within the boundaries of said municipality pursuant to chapter 96 of Title 40 of the Revised Statutes and that the provision of such facilities

would promote the health and safety of the inhabitants of said municipality, said municipality, upon the request by resolution of the board of trustees of said camp meeting association, may provide sanitary sewerage facilities with respect to said real property lying within said municipality by an extension of the existing sanitary sewerage system of said municipality, as provided by agreement between said association and municipality. Any such agreement or supplements thereto between said association and municipality may provide for and relate to the original acquisition or construction of such sanitary sewerage facilities and the operation and maintenance and subsequent extensions to and improvements of such facilities, and the costs and expenses and any other matters of interest or concern to said municipality and association with respect to the aforementioned and said sanitary sewerage facilities. Notwithstanding any other provision of law, said municipality is and shall be authorized to assess all or any part of the cost of construction of said sanitary sewerage facilities upon the real estate lots or parcels of land benefited thereby. Any such assessment by said municipality shall be made in accordance with the provisions of chapter 56 of Title 40 of the Revised Statutes of New Jersey for assessments for benefits. For the purposes of such assessments, any leasehold interest with respect to said real estate, lots or parcels of land owned by the association having a term of duration equal to or exceeding 99 years shall be deemed to be and to constitute real estate and shall be assessed as such and the failure of any lessee to pay any such assessment shall create a first lien thereon, paramount to all prior or subsequent alienations, descents or encumbrances, except subsequent taxes or assessments, notwithstanding any mistake in the name or names of any lessee or lessees, or any omission to name any lessee or lessees who are unknown, and notwithstanding any lack of form therein, or in any other proceeding which does not impair the substantial rights of the lessee or lessees or other person or persons having a lien upon or interest therein. Any municipality which shall undertake to provide sanitary sewerage facilities pursuant to this act is expressly authorized to make appropriations therefor, to acquire from said association all land, rights in land, easements and rights-of-way necessary or convenient or desirable therefor and to authorize and issue its bonds or notes therefor pursuant to the provisions of the local bond law of New Jersey, provided, however, that no down payment shall be required.

2. This act shall take effect immediately.

Approved September 16, 1974.

CHAPTER 102

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200 million to provide money for public acquisition and development of lands for recreation and conservation purposes to meet the future needs of the expanding population; to enable the State to acquire and develop lands for recreation and conservation purposes and to provide for State grants to assist municipalities and counties and other units of local government to acquire and develop lands for recreation and conservation purposes; 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. This act may be cited as the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974."

2. The Legislature hereby finds that:

a. 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;

b. Lands now provided for such purposes will not be adequate to meet the needs of an expanding population in years to come;

c. The expansion of population, while increasing the need for such lands, will continually diminish the supply and tend to increase the cost of public acquisition of lands available and appropriate for such purposes;

d. It is necessary to provide funds to assure that lands which have been, or which may hereafter be, acquired for recreation and conservation purposes can be developed to provide public recreation and conservation opportunities and to implement the New Jersey Statewide Comprehensive Outdoor Recreation Plan.

e. The State of New Jersey must act now to acquire and develop as well as to assist local units to acquire and develop substantial quantities of such lands are now available and appropriate for such purposes so that they may be used and preserved for use for such purposes; and

f. The sum of \$200 million is needed at this time to make such acquisition and development possible.

3. a. Bonds of the State of New Jersey in the sum of \$200 million are hereby authorized to provide money to meet the cost of public acquisition and development of lands for recreation and conservation purposes.

b. Of the total moneys available under this act \$50 million is hereby allocated for acquisition of lands by the State and \$50 million is allocated for State grants to local units for acquisitions by such units.

The cost of public acquisition of such lands shall include the full cost of acquisition of any such lands by the State and, subject to legislation and the conditions prescribed therein, not more than 50% of the cost of acquisition of any such lands by any local unit.

c. Of the total moneys available under this act \$50 million is hereby allocated for the development of lands for public recreation and conservation purposes by the State and \$50 million is allocated for State grants to local units for development of lands for public recreation and conservation purposes by such units.

The cost of development of such lands shall include the full cost of development of any such lands by the State and, subject to legislation and conditions prescribed therein, not more than 50% of the cost of development of any such lands by any local unit.

d. Acquisition of lands actively devoted to agriculture shall be avoided whenever possible and in lieu thereof, whenever feasible, development rights, conservation easements and other interests less than a fee simple shall be acquired.

4. Except as the context may otherwise require:

a. "Cost," as used with respect to cost of acquisition or cost of development, shall include, in addition to the usual connotations thereof, the cost of all things deemed necessary or useful and convenient in connection with the acquisition and development of lands by or with the assistance of the State, for recreation and conservation purposes, including interest or discount on bonds, cost of issuance of bonds, the cost of engineering, inspection, relocation services, legal, financial, geological, hydrological and other professional services, estimates and advice, the cost of organizational, administrative and other work and services, including salaries, supplies, equipment and materials necessary to administer this act, and the cost of reimbursement of any fund from which moneys shall have been advanced to the State Recreation and Conservation Land Acquisition and Development Fund, created herein.

b. "Development" means any improvement to land or water areas designed to expand and enhance their utilization for recrea-

tion and conservation purposes, including but not limited to site preparation, landscaping structures or facilities which are substantially consistent with the natural setting and topographical conditions. Such support structures and facilities shall include, but not be limited to access roads, interpretative facilities, parking areas, utilities and comfort facilities.

c. "Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, riparian and other rights, easements, privileges and all other rights or interest of any kind or description in, relating to or connected with real property.

d. "Local unit" means a municipality, county or other political subdivision of this State, or any agency thereof authorized to administer, protect, develop and maintain lands for recreation and conservation purposes.

e. "Recreation and conservation purposes" means use of lands for parks, natural areas, historic areas, forests, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, winter sports and similar uses for either public outdoor recreation and conservation of natural resources, or both.

5. To the end that municipalities may not suffer loss of taxes by reason of the acquisition and ownership by the State of New Jersey of property under the provisions of this act, the State shall pay annually on October 1 to each municipality in which property is so acquired, for a period of 13 years following such acquisition the following amounts—in the first year a sum of money equal to the tax last assessed and last paid by the taxpayer upon such land and the improvements thereon for the taxable year immediately prior to the time of its acquisition and thereafter the following percentages of the amount paid in the first year, to wit: second year, 92%; third year, 84%; fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%; eighth year, 44%; ninth year, 36%; tenth year, 28%; eleventh year, 20%; twelfth year, 12%; thirteenth year, 4%. In the event that land acquired by the State pursuant to this act had been assessed at an agricultural and horticultural use valuation in accordance with provisions of the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4-23.1 et seq.), at the time of its acquisition by the State, no rollback tax pursuant to section 8 of P. L. 1964, c. 48 (C. 54:4.23-8) shall be imposed as to such land nor shall such rollback tax be applicable in determining the annual payments to be made by the State to the municipality in which such land is located.

All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of the said municipalities, and to accomplish this end such sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

6. Said bonds shall be serial bonds and known as "State Recreation and Conservation Land Acquisition and Development Bonds" and, as to each series, the last installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance.

7. 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.

8. The Governor, State Treasurer and the Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

9. Bonds, issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

10. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury.

Interest coupons attached to said bonds shall be signed by the facsimile signature of the director of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of

such issue or at the time of the delivery of such bonds to the purchaser.

11. a. Such bonds shall recite that they are issued for the purposes set forth in section 3 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, 1974, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

12. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, that the aggregate amount of interest payable over the life of such series, less the premium, if any, received upon the sale thereof, shall not exceed an amount not in excess of the maximum rate of interest per annum fixed pursuant to R. S. 31:1-1 computed over the life of such series, as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

13. Said bonds shall be issued, and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least three times in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in New Jersey or in the city of New York, the first notice to be at least 7 days prior to the day of bidding. 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, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale upon terms not less favorable to the State than the terms offered by any rejected bid. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

14. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

15. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Recreation and Conservation Land Acquisition and Development Fund."

16. The moneys in the said State Recreation and Conservation Land Acquisition and Development Fund are hereby specifically dedicated to meeting the cost of public acquisition and development of lands for recreation and conservation purposes and shall not 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 the State to the credit of the State Recreation and Conservation Land Acquisition and Development 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 application to the purposes provided in this act, moneys in the State Recreation and Conservation Land Acquisition and Development Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the General Treasury and become a part of the General State Fund.

17. In case any coupon bonds and coupons thereunto appertain-

ing or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction and also such security and indemnity as the issuing officials may require.

18. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

19. Bonds of each series issued hereunder shall mature in installments commencing not later than the fifth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

20. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest that would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except

as to the maturities thereof and to the extent herein otherwise expressly provided.

21. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived by the State from fees and other charges of any nature made for the use of State parks and other State recreational facilities or so much thereof as may be required;

b. Revenue derived from the tax collected under and by virtue of the provisions of the "Corporation Business Tax Act (1945)," P. L. 1945, c. 162 (C. 54:10A-1 et seq.), or so much thereof as may be required; and

c. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and

payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the fees, charges and taxes specified in subsections a. and b. of this section treated as part of the General State Fund, available for general purposes.

22. Should the State Treasurer by December 31 of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

23. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1974, 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 ten newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (✓) mark in the square opposite the word "Yes."

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

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

		<p style="text-align: center;">GREEN ACRES AND RECREATION OPPORTUNITIES BOND ISSUE</p>
	Yes.	<p>Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200 million to provide money for public acquisition and development of lands for recreation and conservation purposes to meet the future needs of the expanding population; to enable the State to acquire and develop lands for recreation and conservation purposes and to provide for State grants to assist municipalities and counties and other units of local government to acquire and develop lands for recreation and conservation purposes; 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 fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is 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.

24. This section and section 23 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 September 19, 1974.

CHAPTER 103

AN ACT concerning added assessment of real estate and amending section 2 of P. L. 1941, c. 397 and section 3 of P. L. 1949, c. 144.

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

1. Section 2 of P. L. 1941, c. 397 (C. 54:4-63.2) is amended to read as follows:

C. 54:4-63.2 Valuation of real property on which structures erected, etc., after October 1st and completed before January 1st; assessment.

2. When any parcel of real property has been sold by any municipality as not needed for public use, and the deed has been delivered after October 1 in any year and before January 1 following, or when any parcel of real property contains any building or other structure which has been erected, added to or improved after October 1 in any year and completed before January 1 following, the assessor shall, after examination and inquiry, determine the taxable value of such parcel of real property as of the first day of the month following completion or sale of said property and if such parcel of real estate was not assessed as of October 1 preceding or if such value so determined exceeds the assessment made as of October 1 preceding, the assessor shall enter the amount of such assessment or such excess, as an assessment or an added assessment against such parcel of real property, for the subsequent tax year in a list to be known as the "Added Assessment List, 19 . . ." (inserting the name of the year in which the assessment is made); such entry to be made opposite the name of the owner and the description and area of the parcel of real property. In addition, the assessor shall enter in such added assessment list an assessment for that portion of the pretax year between the first day of the month following completion or sale of said property and December 31 to be determined by multiplying the amount of such assessment or such excess by the number of whole months remain-

ing in the pretax year after the completion or sale of said property, and by dividing the result by 12.

2. Section 3 of P. L. 1949, c. 144 (C. 54:4-63.28) is amended to read as follows:

C. 54:4-63.28 Time when exemption ceased as affecting time of assessment.

3. All such property shall be assessed and taxed as follows:

If the right to exemption ceased in any tax year, the property shall be assessed and taxed as of the first day of the month following the date when the right to exemption ceased, for the proportionate part of the said year then remaining. The amount of tax shall be determined by multiplying the amount which the tax would be if such tax were for the entire year by the number of whole months remaining in the calendar year after the date when the right to exemption ceased and dividing the result by 12.

3. This act shall take effect October 1 next following enactment.

Approved September 19, 1974.

CHAPTER 104

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84) as the short title thereof 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 54 of P. L. 1954, c. 84 (C. 43:15A-54) is amended to read as follows:

C. 43:15A-54 Correction of errors; approval of prior service credit.

54. If any change or error results in an employee or beneficiary receiving from the retirement system more or less than he would have been entitled to receive, then on discovery of the error, the retirement system shall correct it and, so far as practicable, adjust the payments in such a manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.

The application of any member for prior service credit or credit for all previous service shall be approved if the employer, for whom the service was rendered stipulates, in writing, to the retirement system that the information necessary for the award of such credit was not presented to the employee and agrees to make the necessary

additional contribution to the contingent reserve fund and the employee makes the required contributions, if any.

2. This act shall take effect immediately.

Approved September 19, 1974.

CHAPTER 105

AN ACT concerning the organization meeting of Type II and regional district boards of education, and amending N. J. S. 18A:10-3 and N. J. S. 18A:13-12.

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

1. N. J. S. 18A:10-3 is amended to read as follows:

First regular meeting of board.

18A:10-3. Each board of education shall organize annually at a regular meeting held not later than at 8 p.m.

a. In Type I districts on March 1, or on the following day if that day be Sunday;

b. In Type II districts on any day of the first week commencing on the first Monday following the annual school election, except that in districts having an appointed board of education the meeting shall be held on March 1 or on the following day, if March 1 be Sunday.

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

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

Organization of boards; failure to organize.

18A:13-12. The board shall hold a regular meeting forthwith after its first appointment, and annually thereafter on any day of the first week commencing on the first Monday after the annual school election of the regional district, at which it shall organize by the election, from among its members, of a president and vice president, who shall serve until the organization meeting next succeeding the election of their respective successors as members of the board. If any board shall fail to organize within said week, the county superintendent of the county, or the county superin-

tendents of the counties, in which the constituent districts are situate, shall appoint, from among the members of the board, a president and vice president to serve until the organization meeting next succeeding the next election.

3. This act shall take effect immediately.

Approved September 19, 1974.

CHAPTER 106

AN ACT authorizing the Commissioner of Insurance to establish Special Joint Underwriting Associations, prescribing the powers, duties and functions thereof and supplementing Title 17 of the Revised Statutes.

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

C. 17:30B-1 Short title.

1. This act shall be known as and may be cited as the Joint Underwriting Association Act.

C. 17:30B-2 Purposes.

2. a. The purpose of this act is to avoid financial loss to and to reduce financial burdens on claimants and policyholders because of the insolvency of insurers, to authorize the creation of special underwriting associations to assume certain obligations of insolvent insurers and to continue, without interruption and without additional cost, coverage for claimants and policyholders who transfer their rights for unearned premiums from the said insolvent insurers to said associations, and to provide a means by which the costs of such coverage can be equitably assumed.

b. This act shall apply to all kinds of motor vehicle insurance.

C. 17:30B-3 Definitions.

3. As used in this act:

a. "Commissioner" means the Commissioner of Insurance of this State;

b. "Guaranty Association" means the New Jersey Property-Liability Insurance Guaranty Association, created under P. L. 1974, c. 17 (C. 17:30A-1 et seq.);

c. "Association" means a Special Joint Underwriting Association created pursuant to section 4;

d. "Insolvent insurance company" means (1) an insurer admitted or authorized to transact the business of insurance in this State either at the time the policy was issued or when the insured event occurred, and (2) who is determined to be insolvent by a court of any competent jurisdiction;

e. "Servicing carrier" means a carrier licensed to provide insurance of the kind specified in section 2 B. and designated by an association, with the approval of the commissioner, to assist an association in fulfilling its obligations.

C. 17:30B-4 Commissioner's authority to establish associations; membership.

4. The commissioner shall have authority to establish, as he shall deem necessary, one or more associations to assume the unexpired policy obligations of insolvent insurance companies from the date of assumption established by regulation of the commissioner. The membership of each association shall consist of all insurers authorized to write, within this State, on a direct basis, the same kind of direct insurance in which the commissioner has authorized participation by the association. Every such insurer shall be a member of the association and shall remain a member so long as the association is in existence as a condition of its authority to continue to transact such kinds of insurance in this State.

C. 17:30B-5 Powers and duties of association.

5. An association shall, pursuant to the provisions of this act and the plan of operation, have the power:

a. To assume the unexpired policy obligations of insolvent insurance companies;

b. To assess each of its members and to reimburse them for such assessments, at such times as directed by the commissioner;

c. To reimburse the servicing carriers out of the Joint Underwriting Association Fund;

d. To present claims to the Guaranty Association for unearned premiums on the assumed policies;

e. To adopt bylaws for the regulation of its affairs and the conduct of its business;

f. To sue and be sued;

g. To employ, subject to the approval of the commissioner, such employees as may be required in the judgment of the association, to carry out the purposes of this act, and to fix and pay their reasonable compensation from the Joint Underwriting Association Fund;

- h. To borrow funds at prevailing interest rates;
- i. To perform such other functions as may be deemed necessary by the commissioner to carry out the purposes of this act.

C. 17:30B-6 Board of directors; appointment; vacancies; execution of bond.

6. a. The board of directors of an association shall consist of not less than five nor more than nine members serving terms as established in the plan of operation hereinafter described. All directors of the board shall be appointed by the commissioner, after consultation with the members of the association, from and among the officers of the members of the association. Vacancies on the board shall be filled for the remaining period of the term by the commissioner in the same manner.

b. The commissioner shall also appoint a treasurer who shall serve as the custodian of each association fund.

c. Each director of the association shall execute a bond to be conditioned upon the faithful performance of the duties of such director in such form and amount as may be prescribed by the commissioner. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the directors and treasurer of the association shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the association.

C. 17:30B-7 Plan of operation; review.

7. a. The directors of the association shall submit to the commissioner, within such time as he sets forth by regulation, for his review and approval, a proposed plan of operation. Such a proposed plan shall include provisions for: assessment of all members of an amount necessary to finance a Joint Underwriting Association Fund; notification to insureds regarding the assumption of their policies from the insolvent insurance companies; recoupment of unearned premiums for all insureds whose policies are assumed; procedures for processing applications from servicing carriers for reimbursement; management of the association; and such other provisions as may be deemed necessary by the commissioner to carry out the purposes of this act.

b. The proposed plan shall be reviewed by the commissioner and approved by him if he finds that such plan fulfills the purposes set forth in section 2 a. of this act. In his review of the proposed plan the commissioner may consult with the directors and the members of the association and any other individual or organization. If the commissioner approves the proposed plan he shall certify such approval to the directors and said plan shall take effect

at such date as directed by the commissioner. If the commissioner disapproves all or any part of the proposed plan of operation, he shall return same to the directors with a statement, in writing, of the reasons for his disapproval and any recommendations he may wish to make. The directors shall either accept within 5 days the commissioner's recommendation, or propose a new plan, which shall be submitted to the commissioner within 10 days. If the directors fail to comply with the foregoing terms of this paragraph, the commissioner shall promulgate a plan of operation and certify same to the directors. Any such plan promulgated by the commissioner shall take effect no later than 10 days after certification to the directors.

c. The directors may, for good cause, amend the plan of operation at any time, subject to the approval of the commissioner.

d. The commissioner may review the plan of operation whenever he deems necessary and amend said plan after consultation with the directors.

C. 17:30B-8 Joint Underwriting Association Fund; creation; assessment of members; termination.

8. a. There shall be created within each association a fund to be known as the Joint Underwriting Association Fund for the purpose of providing the finances necessary for the plan of operation of the association. The fund shall also be used to reimburse the servicing carriers for all sums expended in fulfilling their obligations arising under the assumed policies, including all reasonable administrative costs. The funds shall be administered by the association with the approval of the commissioner.

b. For the purpose of obtaining the moneys necessary to meet the requirements of the fund, each association shall assess each member according to the plan of operation as approved by the commissioner.

c. Any insurer, which becomes authorized to write insurance after the effective date of this act and which would have been required to join an association created under the terms of this act if it had been authorized to write insurance at that time, shall become a member of the association immediately following such authorization. The determination of any such insurer's participation in the association shall be made according to the plan of operation as approved by the commissioner.

d. Upon termination of an association pursuant to section 14d of this act and after discharge and satisfaction of all liabilities then outstanding to claimants, policyholders, servicing carriers,

and member insurers, all moneys and assets still remaining in the Joint Underwriting Association Fund shall be paid over by the association treasurer into the Guaranty Association.

e. Associations shall be exempt from payment of all fees and all taxes levied by this State or any of its subdivisions.

C. 17:30B-9 Custodian of fund.

9. The treasurer of each association shall be the custodian of the Joint Underwriting Association Fund. All disbursements from said fund shall be made by the treasurer according to the plan of operation and any rules and regulations promulgated by the commissioner.

C. 17:30B-10 Surcharge on insurance policy; amount; reimbursement of moneys.

10. a. A surcharge on insurance policies of the kind which are being assumed by the associations created hereunder shall be levied in amounts sufficient to recoup over a reasonable length of time a sum equal to the amounts necessary for reimbursement pursuant to section 5 b. of this act. The surcharge shall be a separate charge to the insured in addition to the premium to be paid and shall be reflected as such in the policy. The insurer shall be prohibited from absorbing such surcharge as an inducement for insurance or any other reason.

b. The amount of such surcharge shall be determined by the commissioner, but in no event shall the surcharge on any policy exceed \$2.00 per year.

c. At any time moneys are recoverable from Gateway Insurance Company or any of its brokers or agents, or Financial Capital Corporation or any other lending institution financing Gateway auto insurance policies for New Jersey residents, or FISCO, Inc., or any other subsidiary of FISCO, Inc. or any of its brokers or agents, said moneys shall be reimbursed to New Jersey automobile insurance policyholders in proportion to the surcharge imposed upon them under this act by virtue of rules and regulations adopted and promulgated by the Commissioner of Insurance; it being understood that all such reimbursement of moneys shall be within the scope of the Federal Bankruptcy laws.

C. 17:30B-11 Filing of statement.

11. An association shall file at such time as directed by the commissioner a statement which shall contain such information and be in such form as required by the commissioner. The commissioner may at any time require an association to furnish him with additional information with respect to its operations.

C. 17:30B-12 Examination of association.

12. The commissioner may make an examination into the affairs of an association or any of its members whenever he deems it necessary. In undertaking any examination he may hold hearings pursuant to the procedures provided in chapter 1 of this Title and P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

C. 17:30B-13 Annual report to Legislature.

13. In addition to the annual reports of the commissioner required by R. S. 17:1-9, the commissioner shall submit to the Legislature an annual report embracing the activities, affairs and condition of any association. Said report may contain specific recommendations the commissioner may wish to make concerning the association, including his evaluation of the association's effectiveness in fulfilling the purposes of this act.

C. 17:30B-14 Powers and duties of commissioner.

14. The commissioner may:

a. Promulgate reasonable rules and regulations to carry out the purposes of this act;

b. Suspend or revoke, after notice and hearing, the certificate or authority to transact insurance in the State of any member insurer which fails to comply with the provisions of this act, rules or regulations promulgated thereunder or any plan of operation. In addition to any other sanctions herein or otherwise provided by law, the commissioner may levy a penalty on any member insurer which fails to pay or delays in paying an assessment when due. For each month that an insurer fails to pay or delays in paying the assessment on a timely basis, the penalty shall not exceed 5% of the unpaid assessment then outstanding. For all other violations, the penalty shall not exceed \$5,000.00 per violation.

c. Revoke the designation of any servicing carrier if he finds claims are being handled unsatisfactorily;

d. Terminate any association when he deems its existence no longer necessary to effectuate the purposes of this act.

e. Require upon the termination of any association, a report of its activities which shall set forth a complete operating and financial statement; make inspections of any association's books, accounts and records including its receipts and disbursements, as he shall deem necessary.

C. 17:30B-15 Partial invalidity and severability of act.

15. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not

affect other provisions or applications of this act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are declared to be severable, provided however that if section 10 is held invalid, the entire act shall be invalid.

C. 17:30B-16 Construction of act; inconsistent laws superseded.

16. a. This act shall be liberally construed to effectuate the purposes set forth in section 2 a.

b. All laws and parts of laws of this State inconsistent with this act are hereby deemed superseded to the extent of such inconsistency.

17. There is hereby appropriated \$10,000.00 to the Department of Insurance for the purpose of the commissioner fulfilling his responsibilities under this act.

18. This act shall take effect immediately and, notwithstanding the fact that any insurance company whose policies have been assumed pursuant to this act, has been previously declared insolvent, apply to all claims which arise on or after this date.

Approved September 19, 1974.

CHAPTER 107

AN ACT to amend the "New Jersey Property-Liability Insurance Guaranty Association Act," approved April 11, 1974 (P. L. 1974, c. 17).

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

1. Section 5 of P. L. 1974, c. 17 (C. 17:30A-5) is amended to read as follows:

C. 17:30A-5 Definitions.

5. As used in this act:

a. "Account" means any one of the two accounts created by section 6;

b. "Association" means the New Jersey Property-Liability Insurance Guaranty Association created under section 6;

c. "Commissioner" means the Commissioner of Insurance of this State;

d. "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of and is within the coverage, and not in excess of the applicable limits of an insurance policy to which this act applies, issued by an insurer, if such insurer becomes an insolvent insurer after January 1, 1974, and (1) the claimant or insured is a resident of this State at the time of the insured event; or (2) the property from which the claim arises is permanently located in this State. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, except for any Special Joint Underwriting Association within the meaning of the Joint Underwriting Association Act, P. L. . . . , c. . . . as subrogation recoveries or otherwise;

e. "Insolvent insurer" means (1) an insurer admitted or authorized to transact the business of insurance in this State either at the time the policy was issued or when the insured event occurred, and (2) who is determined to be insolvent by a court of competent jurisdiction;

f. "Member insurer" means any person who (1) writes any kind of insurance to which this act applies under section 2 b. including the exchange of reciprocal or interinsurance contracts and (2) is admitted or authorized to transact the business of insurance in this State;

g. "Net direct written premiums" means direct gross premiums written in this State on insurance policies to which this act applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers, and does not include premiums on policies issued by an insurer as a member of the New Jersey Insurance Underwriting Association pursuant to P. L. 1968, c. 129 (C. 17:37A-1 et seq.).

2. This act shall take effect immediately.

Approved September 20, 1974.

CHAPTER 108

AN ACT to amend the "Uniform Anatomical Gift Act," approved September 9, 1969 (P. L. 1969, c. 161).

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

1. Section 4 of P. L. 1969, c. 161 (C. 26:6-60) is amended to read as follows:

C. 26:6-60 Gift by will or other document.

4. (a) A gift of all or part of the body under section 2 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under section 2 (a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7 (b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose or, in the case of a gift of eyes, he may employ or authorize a practitioner of mortuary science licensed by the State Board of Mortuary Science of New Jersey who has successfully completed a course in eye enucleation approved by the State Board of Medical Examiners to enucleate eyes for the gift after certification of death by a physician. A practitioner of mortuary science acting in accordance with the provisions of this subsection shall not have any liability, civil or criminal, for the eye enucleation.

(e) Any gift by a person designated in section 2 (b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

2. This act shall take effect immediately.

Approved September 20, 1974.

CHAPTER 109

AN ACT to amend "An act to regulate and control the teaching and practice of nursing and to prescribe penalties for the violations thereof (revision of 1947)" approved June 11, 1947 (P. L. 1947, c. 262).

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

1. Section 1 of P. L. 1947, c. 262 (C. 45:11-23) is amended to read as follows:

C. 45:11-23 Definitions.

1. Definitions. As used in this act.

a. The words "the board" mean the New Jersey Board of Nursing created by this act.

b. The practice of nursing as a registered professional nurse is defined as diagnosing and treating human responses to actual or potential physical and emotional health problems, through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimen as prescribed by a licensed or otherwise legally authorized physician or dentist. Diagnosing in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. Such diagnostic privilege is distinct from a medical diagnosis. Treating means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen. Human responses means those signs, symptoms, and processes which denote the individual's health need or reaction to an actual or potential health problem.

The practice of nursing as a licensed practical nurse is defined as

performing tasks and responsibilities within the framework of case-finding; reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician or dentist.

The terms "nursing," "professional nursing," and "practical nursing" as used in this act shall not be construed to include nursing by students enrolled in a school of nursing accredited or approved by the board performed in the prescribed course of study and training, nor nursing performed in hospitals, institutions and agencies approved by the board for this purpose by graduates of such schools pending the results of the first licensing examination scheduled by the board following completion of a course of study and training and the attaining of age qualification for examination, or thereafter with the approval of the board in the case of each individual pending results of subsequent examinations; nor shall any of said terms be construed to include nursing performed for a period not exceeding 12 months unless the board shall approve a longer period, in hospitals, institutions or agencies by a nurse legally qualified under the laws of another state or country, pending results of an application for licensing under this act, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice under this act; nor shall any of said terms be construed to include the practice of nursing in this State by any legally qualified nurse of another state whose engagement made outside of this State requires such nurse to accompany and care for the patient while in this State during the period of such engagement, not to exceed 6 months in this State, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice in this State; nor shall any of said terms be construed to include nursing performed by employees or officers of the United States Government or any agency or service thereof while in the discharge of his or her official duties; nor shall any of said terms be construed to include services performed by nurses aides, attendants, orderlies and ward helpers in hospitals, institutions and agencies or by technicians, physiotherapists, or medical secretaries, and such duties performed by said persons aforementioned shall not be subject to rules or regulations which the board may prescribe concerning nursing; nor shall any of said terms be construed to include first aid nursing assistance, or gratuitous care by friends or members of the family of a sick or infirm person, or incidental care of the sick by a person employed primarily as a

domestic or housekeeper, notwithstanding that the occasion for such employment may be sickness, if such incidental care does not constitute professional nursing and such person does not claim or purport to be a licensed nurse; nor shall any of said terms be construed to include services rendered in accordance with the practice of the religious tenets of any well-recognized church or denomination which subscribes to the art of healing by prayer. A person who is otherwise qualified shall not be denied licensure as a professional nurse or practical nurse by reason of the circumstances that such person is in religious life and has taken a vow of poverty.

Nothing in this act shall confer the authority to a person licensed to practice nursing to practice another health profession as currently defined in Title 45 of the Revised Statutes.

2. This act shall take effect immediately.

Approved September 30, 1974.

CHAPTER 110

AN ACT concerning the pension fund of police and firemen and amending R. S. 43:16-3 and 43:16-4.

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

1. R. S. 43:16-3 is amended to read as follows:

Pension to dependents on loss of life while not on duty and after retirement.

43:16-3. (a) Upon the receipt of proper proofs of the death of a member who shall not have lost his life while on duty, there shall be paid to his widow or dependent widower a pension of 25% of the member's average salary, 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 dependent widower or in case the widow or dependent widower dies or remarries, 20% of the member's average salary will be payable to one surviving child, 35% of such salary to two surviving children in equal shares and if there be three or more children, 50% of such salary will be payable to such children in equal shares; if there is no surviving widow, dependent widower or child, 25% of the mem-

ber's average salary will be payable to one surviving dependent parent or 40% of such salary will be payable to two surviving dependent 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 dependent widower a pension of 25% of the member's average salary 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 dependent widower or in case the widow or dependent widower dies or remarries, 20% of the member's average salary will be payable to one surviving child, 35% of such salary to two surviving children in equal shares and if there be three or more children, 50% of such salary 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 granted after April 1, 1967; provided, however, that any pension in an amount less than \$2,500.00 per annum presently being paid or to be paid in the future, pursuant to R. S. 43:16-3, to a widow of a policeman or fireman who did not lose his life while on duty or who died following retirement, shall be increased to \$2,500.00 per annum.

2. R. S. 43:16-4 is amended to read as follows:

Pension to dependents on loss of life while on duty; application of increased benefits.

43:16-4. (a) Upon the receipt of proper proofs of the death of a member who shall have lost his life while on duty, there shall be paid to his widow or dependent widower a pension of $\frac{1}{2}$ of the member's average salary, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or dependent widower or in case the widow or dependent widower dies or remarries, 20% of the member's average salary will be payable to one surviving child, 35% of such salary to two surviving children in equal shares and if there be three or more children, $\frac{1}{2}$ of such salary will be payable to such children in equal shares; if there is no surviving widow, dependent widower, or child, 25% of the member's average salary will be payable to one surviving dependent parent or 40% of such salary will be payable to two surviving dependent parents in equal shares.

(b) The changes in benefits provided by subsection (a) of this section shall apply only to pensions granted after April 1, 1967;

provided, however, that any pension in an amount less than \$2,500.00 per annum presently being paid or to be paid in the future, pursuant to R. S. 43:16-4, to a widow of a policeman or fireman who lost his life while on duty, shall be increased to \$2,500.00 per annum.

3. This act shall take effect immediately.

Approved October 1, 1974.

CHAPTER 111

AN ACT relating to certain rights and liabilities with respect to abortion services and sterilization procedures.

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

C. 2A:65A-1 Individual not required to perform abortion or sterilization.

1. No person shall be required to perform or assist in the performance of an abortion or sterilization.

C. 2A:65A-2 Hospital not required to provide abortion or sterilization services.

2. No hospital or other health care facility shall be required to provide abortion or sterilization services or procedures.

C. 2A:65A-3 Refusal not grounds for liability.

3. The refusal to perform, assist in the performance of, or provide abortion services or sterilization procedures shall not constitute grounds for civil or criminal liability, disciplinary action or discriminatory treatment.

C. 2A:65A-4 Partial invalidity.

4. If any part of this act shall be invalid, such holding shall not affect the validity of the remaining parts of this act. If a part of this act is invalid in one or more of its applications, the remaining parts of this act shall remain in effect in all valid applications that are severable from the invalid application.

5. This act shall take effect immediately.

Approved October 2, 1974.

CHAPTER 112

AN Act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200 million for the purpose of improving State highways, highway safety, reducing congestion and acquiring right-of-way for present and future transportation projects; providing the ways and means to pay and discharge the principal thereof and interest thereon; and providing for the submission of this act to the people at a general election.

WHEREAS, There exist throughout the State on the State highway system conditions requiring capital improvements to remove, remedy and ameliorate potential hazards to pedestrian and vehicular traffic; and

WHEREAS, Due to the impoundment of Federal funds normally available from the Highway Trust Fund, limited Federal funds are available for such safety improvements; and

WHEREAS, Critical congestion points exist throughout the State in which, due to the congestion, air and noise pollution threaten the environment and the quality of life; now, therefore

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

1. This act shall be known and may be cited as the "New Jersey Highway Safety and Improvement Bond Act of 1974."

2. Except that the context may otherwise require:

a. "Commissioner" means the Commissioner of the State Department of Transportation.

b. "Bikeways and pedestrian ways" means exclusive corridors, crossings, and improvements for use by bicycles or pedestrians.

c. "Department" means the Department of Transportation.

d. "Improvement of State highways" shall mean but shall not be limited to the construction, reconstruction, improvement or rebuilding of State highways including all necessary bridges, tunnels, overpasses, interchanges, express bus roadways, traffic circles, grade separations, traffic control devices and the elimination of railroad crossings of State highways at road grade, or the improvement of any existing grade separated railroad crossings, and shall include the acquisition of all property, rights-of-way, easements and interests therein as shall be necessary for the main-

tenance of State highways. Maintenance facilities necessary and incidental to the repair and maintenance of highways shall also, for purposes of this act, be considered an "improvement of State highways" as shall any highway or road system providing immediate access to and from mass transportation facilities whether or not that system is a State highway or road.

e. "Early land acquisition" shall mean the acquisition of any property, rights-of-way, easements and interest therein necessary to and in contemplation of a highway improvement to the State highway system as established pursuant to Title 27 of the Revised Statutes.

3. Bonds of the State of New Jersey in the sum of \$200 million are hereby authorized for the purposes of capital expenditure for the cost of providing a highway improvement or early land acquisition for the State. Of such total, the proceeds from the sale of not more than \$10 million of bonds shall be reserved for early land acquisition, \$10 million of bonds shall be reserved for bikeways and pedestrian ways, and the proceeds from the sale of bonds not otherwise reserved or so required shall be reserved for the improvement of State highways.

4. Said bonds shall be serial bonds and known as "State Highway Safety and Improvement Bonds" and shall be issued from time to time as the issuing officials herein named shall determine. The last annual installment of each series of bonds (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance, but any series of bonds may be issued in whole or in part for a shorter term.

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 are pledged for the payment of the interest thereon as same shall become due and for 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 have ceased to hold office at the time of such issue or at the time of delivery of such bonds to the purchaser.

8. a. Such bonds shall recite that they are issued for the purposes set forth in section 3 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, 1974, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

9. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as from time to time 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 such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at

least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

11. Until permanent bonds can be prepared, the issuing officials may, in their discretion, in lieu of such permanent bonds, issue 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 bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Highway Safety and Improvement Fund of 1974."

13. The moneys in the said State Highway Safety and Improvement Fund of 1974 are hereby specifically dedicated and shall be applied to the cost of the transportation purposes set forth in section 3 of this act and all such moneys are hereby appropriated to the Department of Transportation for such purposes, but no such moneys shall be expended for such purposes (except as otherwise hereinbelow authorized) without the further specific appropriation thereof by the Legislature. Bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any said moneys.

14. Pending their application to the purposes provided in this act, moneys in the State Highway Safety and Improvement Fund of 1974 may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund

shall be paid into the general treasury and become a part of the General State Fund.

15. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered to like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

16. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid except as otherwise provided herein.

17. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

18. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding

bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

19. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenues derived from the tax collected upon the sale of motor fuels under and by virtue of the Motor Fuel Tax Act (Title 54, chapter 39 of the Revised Statutes as amended and supplemented), or so much thereof as may be required; and

b. Revenue derived from the tax collected under and by virtue of the Emergency Transportation Tax Act (P. L. 1961, c. 32 as amended and supplemented), or so much thereof as may be required; and

c. Revenue derived from the tax collected under and by virtue of the Transportation Benefits Tax Act (P. L. 1971, c. 222 as amended and supplemented), or so much thereof as may be required; and

d. 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 due and to become due within 1 year on all outstanding bonds issued hereunder and on such bonds as are proposed to be issued 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 receipts for said year from the taxes specified in subsections a., b., and c. of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

20. Should the State Treasurer, by December 31, of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to levy taxes 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.

21. Any improvement of State highways or bikeways and pedestrian ways to be undertaken with funds issued pursuant to the New Jersey Highway Safety and Improvement Bond Act of 1974 shall be subject to the requirements for an Environmental Impact Statement as specified in Executive Order 53 (1973).

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1974, 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 election shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

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

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

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

		NEW JERSEY HIGHWAY SAFETY AND IMPROVEMENT BOND ACT OF 1974
	Yes.	Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200 million for the purpose of improving State highways, highway safety, reducing congestion and acquiring right-of-way for present and future transportation projects; providing the ways and means to pay and discharge the principal thereof and interest thereon; and providing for the submission of this act to the people at a general election," be approved?
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the

election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. This section and section 22 of this act shall take effect immediately and the remainder of this act shall take effect as and when provided in the preceding section.

Approved October 4, 1974.

CHAPTER 113

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$100 million to provide money for the acquisition, continuation and improvement of freight and passenger rail services; 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.

WHEREAS, Rail carriers operating in and through the State of New Jersey are in reorganization and under financial stress, threatening the abandonment, curtailment and limitation of essential passenger and freight services; and

WHEREAS, Rail freight and passenger services are essential to the economic growth of the State and curtailment of such services would result in unemployment and economic hardship to citizens of the State; and

WHEREAS, The State's environmental control efforts require increased reliance on efficient and nonpolluting means of transportation such as that provided by the railroads operating through and within the State; and

WHEREAS, The Congress of the United States of America has enacted the Regional Rail Reorganization Act of 1973 (Public Law 93-236) which will result in the reorganization and restructuring of railroad services throughout the northeast and pursuant to which the United States Secretary of Transportation has recom-

mended abandonment and curtailment of rail services which are considered essential to the well-being of the State; and

WHEREAS, The Regional Rail Reorganization Act of 1973 provides for the acquisition of railroad properties and the continuation of rail services by interested states and with Federal support and assistance; now, therefore

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 "Rail Services Preservation Bond Act of 1974."

2. Bonds of the State of New Jersey in the sum of \$100 million are hereby authorized for the purpose of capital expenditure for the cost of acquiring, preserving and improving passenger and freight rail services which are abandoned or in danger of being abandoned, curtailed or modified, provided, however, that none of the authorized bonds shall be expended for the cost of operating any passenger or freight rail service or for operating subsidies to any railroad providing such a service.

3. Said bonds shall be serial bonds and known as "State Rail Service Preservation Bonds" and shall be issued from time to time as the issuing officials herein named shall determine. The last annual installment of each series of bonds (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance, but any series of bonds may be issued in whole or in part for a shorter term.

4. 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.

5. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and for 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.

6. 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 have ceased to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

7. a. Such bonds shall recite that they are issued for the purposes 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, 1974 and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

8. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as from time to time 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.

9. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and

devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State funds or to the Federal Government or any agency thereof, at private sale, without advertisement.

10. Until permanent bonds can be prepared, the issuing officials may, in their discretion, in lieu of such permanent bonds, issue 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.

11. The proceeds from the sale of bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Rail Services Preservation Fund of 1974."

12. The moneys in the said State Rail Services Preservation Fund of 1974 are hereby specifically dedicated and shall be applied to the cost of the transportation purposes set forth in section 2 of this act and all such moneys are hereby appropriated to the Department of Transportation for such purposes, but no such moneys shall be expended for such purposes (except as otherwise hereinbelow authorized) without the further specific appropriation thereof by the Legislature. Bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any said moneys.

13. Pending their application to the purpose provided in this act, moneys in the State Rail Services Preservation Fund of 1974 may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the general treasury and become a part of the General State Fund.

14. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a

new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

15. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid except as otherwise provided herein.

16. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

17. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

18. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenues derived from the tax collected upon the sale of motor fuels under and by virtue of the Motor Fuel Tax Act (Title 54, chapter 39 of the Revised Statutes as amended and supplemented), or so much thereof as may be required; and

b. Revenue derived from the tax collected under and by virtue of the Emergency Transportation Tax Act (P. L. 1961, c. 32 as amended and supplemented), or so much thereof as may be required; and

c. Revenue derived from the tax collected under and by virtue of the Transportation Benefits Tax Act (P. L. 1971, c. 222 as amended and supplemented), or so much thereof as may be required; and

d. 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 due and to become due within 1 year on all outstanding bonds issued hereunder and on such bonds as are proposed to be issued 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 receipts for said year from the taxes specified in subsections a., b., and c. of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

19. 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 levy taxes 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.

20. 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, 1974, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (✓) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus

(+), or check (✓) mark in the square opposite the word "No."

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

	Yes.	<p style="text-align: center;">RAIL SERVICES PRESERVATION BOND ACT OF 1974</p> <p>Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$100 million to provide money for the acquisition, continuation and improvement of freight and passenger rail services; 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 fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

21. In addition to such powers as are presently or hereafter vested in the Commissioner of the Department of Transportation, the commissioner shall have the power to do all things necessary and proper to participate in and receive from the United States such grants, loans, subsidies and other benefits as may be available to the State of New Jersey pursuant to the Regional Rail Reorganization Act of 1973.

22. In addition to such powers as are presently or hereafter vested in the Commissioner of the Department of Transportation, the commissioner shall have the power:

a. To acquire, by purchase, gift, transfer, contract or lease, any rail transportation facility within the State, or any part thereof, or the use thereof, and to utilize any such rail transportation facility, or any property acquired, for the purposes of rail transportation service;

b. To enter into contracts with any person, firm, corporation or agency, including but not limited to any railroad company, the Federal Government, any agency of this State, any other state or agency or instrumentality thereof, any public authority of this or any other state or combination of states and any political subdivision or municipality of the State, for the purpose of providing, maintaining and improving rail transportation service;

c. To sell, lease or otherwise contract for the utilization by others of any rail transportation facilities, or portion thereof, owned or acquired for the purpose of providing, maintaining and improving rail transportation service;

d. To operate, maintain, renovate, rehabilitate, repair, improve, extend or establish any rail transportation facility or any related services and activities, or provide therefor by contract, lease or other arrangement with any person, firm, corporation or agency, including but not limited to any railroad company, the Federal Government, any agency of this State, any other state or agency or instrumentality thereof, any public authority of this or any other state or combination of states and any political subdivision or municipality of the State;

e. To enter into joint service agreements on behalf of the State with any person, firm, corporation or agency, including but not limited to any railroad company, the Federal Government, any agency of this State, any other state or agency or instrumentality thereof, any public authority of this State or any other state or combination of states and any political subdivision or municipality of the State, relating to property, buildings, structures, facilities, services, rates, fares, classifications, dividends, allowances or charges, or rules or regulations pertaining thereto, for or in connection with or incidental to transportation in part upon rail transportation facilities;

f. To acquire by purchase, gift, grant, transfer, contract or lease any rail transportation facility, or any part thereof, or any other

property of any kind necessary for or incidental to the effectuation of the purposes of this section;

g. To establish, levy and collect or cause to be established, levied and collected and, in the case of a joint service arrangement, join with others in the establishment, levy and collection of such fares, tolls, rentals, rates, charges and other fees as he may deem necessary, convenient or desirable for the use and operation of any rail transportation facility and related services;

h. To sell, transfer, lease or contract for the sale, transfer or lease of any rail transportation facility, or any part thereof, or any other property of any kind necessary for or incidental to the effectuation of the purposes of this section;

i. To do all things necessary, convenient or desirable to carry out the purposes of this section.

j. Powers granted to the commissioner by this section shall be limited to use in connection with the expenditure of funds under this act.

23. For the purposes of this act, the term "rail transportation facility" shall include railroad rights of way as well as trackage, rails, cars, locomotives, rolling stock, signal, power, fuel, communication and ventilation systems, power plants, stations, terminals, storage yards, repair and maintenance shops, yards, equipment and parts, offices, and other incidental real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any railroad operating rail passenger or rail freight transportation services, or to operate such services, including, but not limited to buildings, structures and rail property.

24. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

25. This section and section 20 of this act shall take effect immediately and the remainder of this act shall take effect as and when provided in section 20.

Approved October 4, 1974.

CHAPTER 114

AN ACT concerning the qualification of jurors, and amending
N. J. S. 2A:72-7.

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

1. N. J. S. 2A:72-7 is amended to read as follows:

Jurors not disqualified for race, color, creed, national origin, ancestry, marital status, or sex; penalty.

2A:72-7. No citizen possessing all other qualifications prescribed by law shall be disqualified for service as a grand or petit juror in any court on account of race, color, creed, national origin, ancestry, marital status or sex, and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$5,000.00.

2. This act shall take effect immediately.

Approved October 4, 1974.

CHAPTER 115

AN ACT to reestablish part of the boundary line between the township of Freehold and the township of Marlboro in Monmouth county.

WHEREAS, The governing bodies of both municipalities have determined by resolution the change in that part of the boundary line between the two municipalities hereinafter described is desirable and have requested the Legislature to so provide by law; and

WHEREAS, A 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*:

1. The following described area of land situate in the township of Freehold is annexed to and made a part of the township of Marlboro:

Beginning at the intersection of Marlboro and Freehold township, boundary line with Colts Neck township boundary line, and continuing thence; (1) along the line of Colts Neck township in a southwesterly direction, until it comes to the northeasterly line of Route 18 Freeway, thence; (2) northwesterly along the northeasterly line of Route 18 Freeway to the Marlboro-Freehold township line, thence; (3) southeasterly along the Marlboro-Freehold township line, to the point or place of beginning.

2. This act shall take effect immediately.

Approved October 4, 1974.

CHAPTER 116

AN ACT to amend and supplement "An act relating to excavation or blasting near pipes distributing or transmitting manufactured, mixed or natural gas," approved May 12, 1964 (P. L. 1964, c. 53).

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

1. Section 1 of P. L. 1964, c. 53 (C. 2A:170-69.4) is amended to read as follows:

C. 2A:170-69.4 Discharge of explosives in ground; definitions; exceptions.

1. (a) No person shall discharge explosives in the ground within a distance of 200 feet of any pipe distributing or transmitting manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas, nor shall any person excavate in a street, highway, public place, or private property, without having first ascertained in the applicable manner prescribed herein whether any pipe distributing or transmitting manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas is located within 200 feet of the place of discharge or place of excavation. The terms "excavate," "excavating" or "excavation," as used in this act, shall not include the opening of the surface and the disturbance of the subsoil thereunder of any street, highway, public place or private property for the purpose of installing or replacing poles and their appurtenances used or to be used in connection with the supplying to the public of electricity for light, heat or power or of communication services. This act shall not apply to any work performed by or on behalf of the New Jersey Department of Transportation, New Jersey Highway

Authority or New Jersey Turnpike Authority or by any person excavating with nonpowered hand tools on private property to a depth not to exceed 18 inches.

(b) Except as provided in subsections (c), (d) and (e) hereof the person responsible for the discharge of explosives or the excavation shall serve a written notice of intention at least 3 full working days (excluding Saturdays, Sundays and holidays) prior to the discharge of explosives or commencement of any excavation on the person engaged in the distribution or transmission of manufactured, mixed or natural gas in the area. The said written notice of intention shall be served personally or by registered or certified mail, return receipt requested, on the person so engaged in the transmission or distribution of the aforesaid gases and shall contain the name of the person responsible, the date, place and type of discharge or excavation to be conducted. Service of a single notice of intention shall constitute compliance with this section when the discharge of explosives or the excavations take place on more than one day provided either or both are part of a single continuing project. Within 3 days after receipt of the notice of intention, the person engaged in the distribution or transmission of the aforesaid gases shall advise in writing or otherwise the person named in the said notice of the location of all such pipes within 200 feet of the place of discharge or place of excavation.

(c) In the event of an emergency involving danger to life, health or property it shall be lawful to excavate without using explosives if such notice and advice, in writing or otherwise, are given as soon as reasonably possible.

(d) In the event of an emergency involving an immediate and substantial danger of death or serious personal injury it shall be lawful to discharge explosives in the ground if such notice and advice, in writing or otherwise, are given at any time before any such discharge is undertaken.

(e) In the event a public utility engaged in supplying electricity for light, heat or power or in furnishing communication services proposes to excavate in any private place, the notice provisions of subsection (b) hereof shall be inapplicable where said public utility has entered into a written agreement with a person engaged in the distribution or transmission of manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas with respect to the securing of information as to the location of its transmission or distribution pipes within such place.

2. Section 2 of P. L. 1964, c. 53 (C. 2A:170-69.5) is amended to read as follows:

C. 2A:170-69.5 Work performed; notification of damage.

2. Any such excavation or discharge shall be performed in such manner as to avoid damage to any pipe distributing or transmitting manufactured, mixed or natural gas or synthetic natural gas, liquefied natural gas or propane gas. In the event that damage does occur, the person distributing or transmitting manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas in the area shall be notified immediately.

C. 2A:170-69.4a Issuance of permit.

3. No person who proposes to excavate or discharge explosives shall be issued a building permit, street opening permit or other permit for such excavation or discharge of explosives until he presents satisfactory proof to the issuing authority in the form of a written statement that he has complied with the requirements of this act. Upon issuance of such permit or permits the person proposing to excavate or discharge explosives shall be provided with a placard not less than 8½ inches by 11 inches by the issuing authority which shall be prominently displayed at the site of the excavation or discharge of explosives, clearly indicating that such permit or permits have been issued and that the holder thereof has complied with this act.

4. Section 3 of P. L. 1964, c. 53 (C. 2A:170-69.6) is amended to read as follows:

C. 2A:170-69.6 Violations; penalty.

3. Any person who violates any provision of this act is a disorderly person.

5. This act shall take effect immediately.

Approved October 7, 1974.

CHAPTER 117

AN ACT authorizing the creation of debt of the State of New Jersey by the issuance of bonds of the State in the sum of \$90 million to provide money to spur construction and rehabilitation of housing; to enable such housing to be occupied by senior citizens and families of low and moderate income; to provide the ways and means to pay the interest of said debt and also to pay and dis-

charge the principal thereof; and to provide 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. This act may be cited as the "New Jersey Housing Assistance Bond Act of 1974."

2. The Legislature hereby finds that:

a. Despite the existence of numerous Federal programs designed to provide housing for senior citizens and families of low and moderate income, construction and rehabilitation of such housing units has not proceeded at a pace sufficient to provide for the population growth of the State.

b. The need for such new and rehabilitated housing is great and continues to increase, with growing numbers of New Jersey citizens unable to obtain safe and sound dwelling places.

c. The State, through the investment of a relatively modest sum of money, can cause the production of such new and rehabilitated housing to be increased; in conjunction with Federal, other State and local programs acting in concert, such State money can encourage the increased investment of private funds in housing on a multiplier basis far exceeding the initial expenditure of these State funds.

d. The actual cost of providing new and rehabilitated housing units of decent quality and size generally places such units beyond the means of senior citizens and families of low and moderate income. In order to enable such senior citizens and families to occupy such units, some additional form of assistance is necessary. This assistance can and should take many forms, because of the large number of housing programs presently available. By providing conditions that will accelerate housing production under various housing programs, the maximum potential for a rapid increase in housing production is achieved.

e. At this time of serious unemployment in New Jersey, particularly in the housing and construction industries, there is an urgent need for the public sector to stimulate increased economic activity to create expanded employment opportunities for New Jersey's workers.

f. The Legislature also finds and declares that the expenditure of public funds toward these ends is for a public purpose and in the public interest.

3. Except as the context may otherwise require:

a. "Department" means the Department of Community Affairs.

b. "Commissioner" means the Commissioner of the Department of Community Affairs.

c. "Act" means this act, and any amendments and supplements thereto, and any rules and regulations promulgated thereunder.

d. "Housing assistance fund" or "fund" shall mean the fund created by section 4b. of this act.

e. "Low income," and "moderate income" shall be determined by the commissioner pursuant to regulations promulgated under this act, provided however, that the commissioner, in his determination, shall consider the Federal standards for low and moderate income for the various communities within the State of New Jersey.

f. "Qualified mortgagor" means any nonprofit or limited dividend housing sponsor, owner entity or individual, municipality, or public housing authority, constructing, rehabilitating or operating housing in New Jersey under a Federal low or moderate income housing program, the New Jersey Housing Finance Agency program, or other programs for low or moderate income occupancy.

g. "Qualified housing development" means any housing project built or to be built and operated by a qualified mortgagor.

h. "Senior citizen" means a person of low or moderate income, 62 years of age or older, or families of low or moderate income which consist of two or more persons and the head of which, or his spouse, is 62 years of age or older.

4. a. Bonds of the State of New Jersey in the sum of \$90 million are hereby authorized to obtain funds to meet the cost of providing housing assistance as set forth herein.

b. There is hereby created and established in the department a "housing assistance fund" which shall consist of:

(1) All moneys derived from the proceeds of any bonds which may be authorized by this act;

(2) Any moneys which the department shall receive in repayment of loans or advances from the fund, notwithstanding the provisions of any other act or part thereof;

(3) All moneys received from the investment or deposit of the proceeds of any bonds which may be authorized by this act;

(4) Any other moneys made available to the department from any source or sources which the commissioner shall allocate to the fund for the purposes authorized by this act.

c. The commissioner shall submit with the department's annual

budget request a plan for the expenditure of housing assistance funds for the upcoming fiscal year. This plan shall include, but not be limited to, the following information: a performance evaluation of the expenditures made from the fund to date; a description of the subsidy programs planned for utilization during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by housing assistance funds; and an estimate of expenditures for the upcoming fiscal year. This information shall be used to assist the Legislature in determining the amount to appropriate from the fund.

5. The commissioner is authorized to utilize moneys from the housing assistance fund for the following purposes and programs:

a. Interest rate subsidy. The commissioner may enter into contracts and agreements with qualified mortgagors, or with mortgagees thereof, pursuant to which the commissioner may make direct payments to such mortgagors or mortgagees to assist in paying mortgage interest charges on qualified housing developments, where such direct payments will be applied to decrease rental or carrying charges to low and moderate income occupants of such housing.

b. Assistance to qualified housing developments. The commissioner is authorized to enter into contracts or other agreements pursuant to which financial assistance will be provided for qualified housing developments, including but not limited to those constructed, financed, or rehabilitated under Federal, other State, or locally aided low and moderate income programs, where such assistance is necessary to provide financial feasibility and enable the developments to be completed. Without limiting the generality of the foregoing, such assistance may include: a direct loan to a qualified housing mortgagor, subordinated to the Federal or other State mortgage loan, with repayment of principal, and interest, if any, deferred until such time as such Federal or other State loan is paid or otherwise discharged or released; and grants or loans to municipalities for urban homesteading, or rehabilitation and direct sale of properties acquired either through tax foreclosure or from the United States Department of Housing and Urban Development.

6. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act.

7. The bonds provided for herein shall be serial bonds and known as "State Housing Assistance Bonds" and, as to each series, the

last installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance.

8. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

9. The Governor, State Treasurer and Comptroller of the Treasury, or any two 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.

10. Bonds, issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

11. 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.

12. a. Such bonds shall recite that they are issued for the purpose set forth in section 5 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1974, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recitals in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving

their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

13. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

14. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and in such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

15. 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.

16. The proceeds from the sale of bonds shall be paid to the State Treasurer and be held by him for the housing assistance fund in a

separate account, to be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the housing assistance fund.

17. a. The moneys in said fund are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all of such moneys are hereby appropriated for such purpose, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of such fund, such sums 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.

c. Pending their application to the purposes provided in this act, moneys in the housing assistance fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the housing assistance fund.

18. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction and also such security and indemnity and reimbursement for expenses as the issuing officials may require.

19. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comp-

troller of the Treasury, in the same manner as other obligations of the State are paid.

20. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

21. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest that would be paid on the bonds to be refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

22. To provide funds to meet the interest and principal payments required for the bonds issued in this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the tax collected under and by virtue of the State sales tax, or so much thereof as may be required; and

b. If in any year or at any time funds as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which munici-

pal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the fees, charges and taxes specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

23. 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 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.

24. 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, 1974, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively 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;">HOUSING ASSISTANCE BOND ISSUE</p> <p>Shall the act entitled "An act authorizing the creation of debt of the State of New Jersey by the issuance of bonds of the State in the sum of \$90 million to provide money to spur construction and rehabilitation of housing; to enable such housing to be occupied by senior citizens and families of low and moderate income; to provide the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and to provide for the submission of this act to the people at a general election," be approved?</p>
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is 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.

25. This section and section 24 shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved October 8, 1974.

CHAPTER 118

AN ACT establishing the Delaware and Raritan Canal State Park, and creating a Delaware and Raritan Canal Commission, prescribing its jurisdiction, powers and duties, and making an appropriation therefor.

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

C. 13:13A-1 Short title.

1. This act shall be known and may be cited as the "Delaware and Raritan Canal State Park Law of 1974."

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

2. The Legislature finds and declares that:

a. The Delaware and Raritan Canal is a vital source of water supply and is of historic, ecological, and recreational value to the citizens of New Jersey; that the canal and the narrow band of land along the canal banks owned by the State are also an extremely attractive and lucrative asset to the State; that the quantity and quality of surface water runoff, flooding potential, esthetic

surroundings, and even the structural integrity of the canal, can all be adversely affected by surrounding developments; that within the State Government, decisions which affect the canal and the State owned land appertaining thereto are often made separately by different State agencies and local governing bodies; that the surrounding properties are private and public portions of 17 municipalities in four counties, each with its own planning and zoning authority; that, in general, the decisions which are made often reflect local expediences rather than a coherent plan.

b. The State of New Jersey must act immediately and thereafter to preserve, locate, survey, and acquire such lands as are now available for public recreation and the conservation of natural resources, in order to promote the public health, prosperity, and general welfare, as a proper responsibility of government; that the enactment of the provisions set forth in this act would create a Delaware and Raritan Canal State Park to be maintained and operated under the jurisdiction of the Department of Environmental Protection, which shall have the power, with the approval of the Delaware and Raritan Canal Commission, as hereafter provided, to take such measures as may be necessary to preserve, maintain, improve, and enlarge the park, if funds for these purposes are made available from time to time; that a Delaware and Raritan Canal Commission be established to prepare, adopt, and implement a master plan for the physical development of the park, and to review State and local actions that impact on the park to insure that these actions conform as nearly as possible to the commission's master plan; that funds will be appropriated in this act to the Department of Environmental Protection for the purposes of locating, surveying, and selecting necessary land sites appertaining to the canal, immediately and thereafter, which information shall be reported to the Legislature for its consideration, and for the use of the Delaware and Raritan Canal Commission in the performance of its powers and duties pursuant to this act, and that funds will be appropriated for the use of the commission in the performance of its powers and duties pursuant to this act.

C. 13:13A-3 Definitions.

3. As used in this act:

a. "Department" means the Department of Environmental Protection.

b. "Park" means the Delaware and Raritan Canal Park as determined by the Department of Environmental Protection, pursuant to section 6 a. of this act.

c. "Canal" means the Delaware and Raritan Canal, its feeder canal, and the abandoned section of the canal in the township of Hamilton, county of Mercer, to be determined, pursuant to subsection 6 f. of this act.

d. "Commission" means the Delaware and Raritan Canal Commission.

e. "Commissioner" means the Commissioner of the Department of Environmental Protection.

f. "Review zone" means that region appertaining to and including the park, as determined pursuant to subsections 6 e. and 14 a. of this act, in which proposed "projects," as defined in subsection 14 c., may cause an adverse impact on the park including, but not limited to, drainage, esthetic, and ecological factors.

C. 13:13A-4 Delaware and Raritan Canal State Park; operation.

4. The Delaware and Raritan Canal and the lands along the canal banks, now or hereafter owned by the State, are designated as the Delaware and Raritan Canal State Park, to be maintained and operated under the Department of Environmental Protection as a State park.

C. 13:13A-5 Preservation, maintenance, development and improvement; alterations.

5. a. The department shall, as funds for these purposes are made available from time to time, take such measures as may be necessary to preserve, maintain, develop and improve the park in such manner and to such extent as, in its judgment, will best make it of use to the public. In the development of the park, the department shall have the power to install permanent improvements for the health and comfort of the public; provided, however, that the department shall take no such measures, nor install such improvements, unless the plans therefor shall have been submitted to and approved by the Delaware and Raritan Canal Commission, created pursuant to section 11 of this act.

b. Notwithstanding the provisions of any other law to the contrary, no building or structure, streets, bridges, parking areas, public transit lines, utilities, sewerage, and service-water supply facilities may be altered within the park unless the plans or specifications for the proposed alteration meet park standards to be adopted and promulgated by the department.

C. 13:13A-6 Locating, surveying and selecting land sites.

6. a. The department shall, within 1 month after this act takes effect, proceed to locate, survey and select critical land sites, and

within 1 year after this act takes effect, and from time to time thereafter, such other land sites appertaining to the park which may be advisable, proper or necessary for the purpose of establishing the park and to expand and preserve the uses, benefits, and enjoyments thereof to the people, and report its findings, including its recommended priorities, and a schedule of required funding for the acquisition of such lands, pursuant to the provisions of subsection 6 d. of this act, to the Legislature.

b. In locating, surveying, and selecting the land sites mentioned in subsection 6 a. of this act, the department shall: (1) assemble a detailed data base, including updated mapping and zoning information, to determine the ownership and use of lands appertaining to park properties; and (2) consult with the Delaware and Raritan Canal Commission, county and municipal governmental officials of jurisdictions in which the State park or any of the land sites therefor are located; concerned environmental groups; water suppliers; historical associations and such State agencies as now or hereafter have jurisdiction over the park, or any part thereof.

c. In determining which land sites described in subsection 6 a. of this act should be recommended to the Legislature for acquisition, the department shall consider: (1) the existence of present historical structures; (2) the immediate danger of an occurrence of adverse impact to the park including, but not limited to, drainage, esthetic, and ecological factors; (3) proximity to high-density population concentrations; and (4) the availability of land at a cost advantageous to the State.

d. The department shall, pursuant to the provisions of subsection 6 a. of this act, determine and recommend to the Legislature a schedule of required funding for the acquisition of those land sites described in subsection 6 a. of this act. The schedule may provide for any combination of: (1) inclusion of necessary revenues in a future State bond issue for the acquisition of open space or other lands; (2) special authorization for purposes of completing the State Park; and (3) local-State matching fund proposals to implement or expand the agreed plan.

e. The department, in locating, surveying, and selecting the land sites described in subsection 6 a. of this act, and in assembling a detailed data base pursuant to subsection 6 b. of this act shall locate, survey, select, and recommend to the commission land sites to be included in the review zone, pursuant to the provisions of subsection 14 a. of this act; provided that such recommendations shall not be binding on the commission.

f. The department shall, within 3 months after this act takes effect, proceed to locate, survey, and select the abandoned section of the canal, in the township of Hamilton, county of Mercer, which, for purposes of this act, shall be considered part of the canal.

g. The department shall in locating, surveying, and selecting the land sites described in subsection 6 a. of this act, exclude those lands situated between the Landing Lane bridge and the juncture of the canal with the Raritan river.

C. 13:13A-7 Commissioner's powers.

7. In addition to the foregoing powers, the commissioner and his authorized agents and employees may enter upon any lands, waters, and premises for the purpose of making surveys, soundings, drillings, and examinations as he may deem necessary or convenient for the purposes of this act, all in accordance with due process of law, and such entry shall not be deemed a trespass nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The commissioner shall make reimbursement for any actual damages resulting to such lands, waters, and premises as a result of such activities.

C. 13:13A-8 Department's power to take title.

8. The department shall have power to take title, in fee or otherwise, by gift or devise, and, if funds are made available for these purposes from time to time, by purchase or eminent domain to such lands appertaining to the park and to any rights, interests and easements therein, in the name of the State of New Jersey. In the event that it becomes necessary or advisable to acquire any lands or interest therein for the purpose of this act by eminent domain, the procedure for condemnation of such lands shall be taken in accordance with the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.).

C. 13:13A-9 Department's power to hire, rent or lease.

9. The department, to effectuate the general purpose of this act, shall with the approval of the commission, have power to hire, rent or lease any portion of such lands to private enterprises and such moneys as are derived from such hiring, renting, or leasing shall be deposited with the General State Fund.

C. 13:13A-10 Department's additional powers.

10. The department shall, with the approval of the commission, have power to make such rules and regulations for the use and protection of the park as may, in its judgment, be necessary. The department shall, subject to the approval of the Attorney General

and in accordance with such regulations for the protection of the public safety and welfare as the Attorney General shall prescribe, further have power to vest in such of its employees as it may be determined to be necessary the powers and duties of peace officers for the abatement of nuisances, stopping of abuses, and protection and management of the park under any rules and regulations the department may prescribe.

C. 13:13A-11 Delaware and Raritan Canal Commission established; membership, terms, removal, compensation, master plan, annual report of activities; audit of books; conflict of interest; violations; penalty.

11. a. There is hereby established in the Department of Environmental Protection a Delaware and Raritan Canal Commission which shall consist of nine members appointed and qualified as follows:

(1) The Commissioner of the Department of Environmental Protection, serving ex officio; provided, however, that the commissioner may designate an officer or employee of the department to represent him at meetings of the commission, and such designee may lawfully vote and otherwise act on behalf of the commissioner. Any such designation shall be in writing delivered to the chairman of the commission and shall continue in effect during the period the commissioner is in such office, or until revoked or amended by writing delivered to the chairman of the commission.

(2) Eight citizens of the State, appointed by the Governor, with the advice and consent of the Senate, no more than four of whom shall be of the same political party; at least four of whom shall be residents of the counties of Hunterdon, Mercer, Middlesex and Somerset, respectively, and one of whom shall be a mayor of a municipality appertaining to the Delaware and Raritan Canal State Park; provided, however, that no more than one citizen shall be appointed from any one municipality. In making appointments to the commission, the Governor may consider the recommendations of concerned environmental groups; historical associations; water suppliers; real estate interests; and members of relevant professions.

b. The commissioner shall serve on the commission during his term of office and shall be succeeded by his successor in office. Each member appointed by the Governor shall serve for terms of 5 years; provided that of the first members appointed by the Governor, two shall serve for a term of 2 years, two for a term of 3 years, two for a term of 4 years, and two for a term of 5 years. Each member shall serve for the term of his appointment and until his successor

shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

c. Any member of the commission may be removed by the Governor for cause after a public hearing.

d. Each member of the commission, before entering upon his duties, shall take and subscribe to an oath to perform the duties of his office faithfully, impartially, and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

e. The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

f. The Governor shall designate one of the members of the commission, other than the Commissioner of the Department of Environmental Protection, as chairman. The commission shall select from its members a vice-chairman and shall employ an executive director, who shall be secretary, and a treasurer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

g. The powers of the commission shall be vested in the members thereof in office from time to time, and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the members, unless in any case the bylaws of the commission or any of the provisions of this act shall require a larger number; provided, however, that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers, and duties, as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission, except that the commission shall not take any final action on any matter to be submitted to the Legislature, pursuant to subsection 12 g. of this act, except by a vote of two-thirds of the full membership of the commission.

h. The commission shall prepare, adopt, and implement a master

plan for the physical development of the park, or a portion thereof; review State and local actions that impact on the park to insure that these actions conform as nearly as possible to the commission's master plan; and coordinate and support activities by citizens' groups to promote and preserve the park.

i. On or before December 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year, all as more fully provided in section 15 of this act. The commission may, in addition, at any time request the Governor and the Legislature to appropriate funds for commission purposes, as more fully provided in subsection 12 g. of this act.

j. The commission shall cause an audit of its books and accounts to be made at least once in each year and the cost thereof shall be treated as one incurred by the commission in the administration of this act, and a copy thereof shall be filed with the State Treasurer and the Office of Fiscal Affairs.

k. (1) No member, officer, employee, or agent of the commission shall be financially interested, either directly or indirectly, in any project or any part of a project area, other than a residence, or in any contract, sale, purchase, lease, or transfer of real or personal property to the Department of Environmental Protection for inclusion in the Delaware and Raritan Canal State Park.

(2) Any contract or agreement knowingly made in contravention of this section is voidable.

(3) Any person who shall willfully violate any of the provisions of this section shall forfeit his office or employment and shall be guilty of a misdemeanor.

C. 13:13A-12 Commission's powers.

12. The commission shall have the following powers:

a. To adopt and from time to time amend and repeal suitable bylaws for the management of its affairs;

b. To maintain offices at such place or places within the State as it may designate;

c. To enter upon any building or property in order to conduct investigations, examinations, surveys, soundings, or test borings necessary to carry out the purposes of sections 13 and 14 of this act, all in accordance with due process of law;

d. To receive and accept, from any Federal or other public

agency or governmental entity, grants or loans for, or aid of, the purposes of sections 13 and 14 of this act, and to enter into cooperative agreements with the Federal Government or any other public or governmental agency for the performance of such acts as may be necessary and proper for the purposes of sections 13 and 14 of this act;

e. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the commission or to carry out any power expressly given to the commission in this act;

f. To conduct examinations and investigations, hear testimony and take proof under oath at public or private hearings, of any material matter, require attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

g. To petition the Legislature for specific direction or appropriation to accomplish commission objectives, in the event of substantial disagreement between the commission and the department.

C. 13:13A-13 Master plan.

13. a. The commission shall prepare, or cause to be prepared, and, after a public hearing, or public hearings, and pursuant to the provisions provided for in subsection 13 b. of this act, adopt a master plan or portion thereof for the physical development of the park, which plan may include proposals for various stages in the future development of the park, or amend the master plan. The master plan shall include a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan. The master plan shall be a composite of the one or more written proposals recommending the physical development and expansion of the park either in its entirety or a portion thereof which the commission shall prepare after meetings with the governing bodies of the affected municipalities and counties, and any agencies and instrumentalities thereof.

b. In preparing the master plan or any portion thereof or amendment thereto the commission shall give due consideration to:

(1) the function of the canal as a major water supply facility in the State; (2) the necessity to provide recreational activities to the citizens of this State, including but not limited to, facilities, design

capacities, and relationship to other available recreational areas; (3) existing historical sites and potential restorations or compatible development; (4) the range of uses and potential uses of the canal in the urban environments of the older, intensively developed communities through which it passes; and (5) designated wilderness areas to be kept as undeveloped, limited-access areas restricted to canoeing and hiking. In preparing the master plan or any portion thereof or amendment thereto the commission shall consider existing patterns of development and any relevant master plan or other plan of development, and shall insure widespread citizen involvement and participation in the planning process.

c. The commission shall act in support of local suggestions or desires to complement the park master plan. Consultation, planning, and technical expertise will be made available to local planning bodies that wish to implement land-use policy to enhance the park area. The commission shall act on or refer complaints by citizens' groups or private residents who discover hazardous situations, pollution, or evidence of noncompliance with use regulations.

d. The commission shall review and approve, reject or modify, any State project planned or State permits issued in the park, and submit its decision to the Governor.

C. 13:13A-14 Designation of review zone.

14. a. The commission shall determine, after a public hearing, or public hearings held in Hunterdon, Somerset, Mercer, and Middlesex counties respectively, the extent and limits of the region to be designated the review zone. Any subsequent modification of said review zone shall be made by the commission only after public hearings in the county or counties in which such modification is to be made. All public hearings required pursuant to this section shall be held only after giving prior notice thereof by public advertisement once each week for 2 consecutive weeks in such newspaper or newspapers selected by the chairman of the commission as will best give notice thereof. The last publication of such notice shall be not less than 10 days prior to the date set for the hearing.

b. The commission shall approve all State actions within the review zone that impact on the park, and insure that these actions conform as nearly as possible to the commission's master plan and relevant local plans or initiatives. The State actions which the commission shall review will include the operations of the Division of Water Resources concerning water supply and quality; the Division of Parks and Forestry in developing recreation facilities; and

the activities of any other State department or agency that might affect the park.

c. The commission shall review and approve, reject, or modify any project within the review zone. The initial application for a proposed project within the zone shall be submitted by the applicant to the appropriate municipal reviewing agency. If approved by the agency, the application shall be sent to the commission for review. The commission shall review each proposed project in terms of its conformity with, or divergence from, the objectives of the commission's master plan and shall: (1) advise the appropriate municipal reviewing agency that the project can proceed as proposed; (2) reject the application and so advise the appropriate municipal reviewing agency and the governing body of the municipality; or (3) require modifications or additional safeguards on the part of the applicant, and return the application to the appropriate municipal reviewing agency, which shall be responsible for insuring that these conditions are satisfied before issuing a permit. If no action is taken by the commission within a period of 45 days from the date of submission of the application to the commission by the municipal reviewing agency, this shall constitute an approval by the commission. The commission's decision shall be final and binding on the municipality, and the commission may, in the case of any violation or threat of a violation of a commission's decision by a municipality, or by the appropriate municipal reviewing agency, as the case may be, institute civil action (1) for injunctive relief; (2) to set aside and invalidate a decision made by a municipality in violation of this subsection; or (3) to restrain, correct or abate such violation. As used herein: (1) "project" means any structure, land use change, or public improvements for which a permit from, or determination by, the municipality is required, which shall include, but not be limited to, building permits, zoning variances, and excavation permits; and (2) "agency" means any body or instrumentality of the municipality responsible for the issuance of permits or the approval of projects, as herein defined, which shall include, but not be limited to, governing bodies, planning and zoning boards, building inspectors, managers and municipal engineers.

C. 13:13A-15 Annual audit of accounts.

15. The commission shall cause an annual audit of its accounts to be made, and for this purpose it 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 commission within 4 months after the close of the fiscal year of the

commission, and a certified duplicate copy thereof shall be filed in the Office of Management and Budget in the Department of Environmental Protection, in the office of the Division of Budget and Accounting in the Department of the Treasury, and in the Office of Fiscal Affairs within 5 days after the original audit is filed with the commission.

16. There is hereby appropriated from the General State Fund to the Department of Environmental Protection the sum of \$25,000.00, or so much thereof as may be required, for the purposes of locating, surveying, and selecting those land sites and the abandoned section of the canal described in section 6 of this act, and the sum of \$50,000.00 for the use of the Delaware and Raritan Canal Commission in the performance of its powers and duties pursuant to this act.

17. This act shall take effect immediately.

Approved October 10, 1974.

CHAPTER 119

AN ACT concerning the manner of disposition of cases of child abuse or neglect, revising parts of the statutory law and providing for an appropriation.

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

C. 9:6-8.21 Definitions.

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

a. "Parent or guardian" means any natural parent, adoptive parent, foster parent, stepparent, or any person, who has assumed responsibility for the care of a child or upon whom there is a legal duty for such care.

b. "Child" means any child alleged to have been abused or neglected.

c. "Abused or neglected child" means a child less than 18 years of age whose parent or guardian, as herein defined, (1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or

impairment of the function of any bodily organ; (2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or (3) commits or allows to be committed an act of sexual abuse against the child; (4) or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court; or (5) who has been willfully abandoned by his parent or guardian, as herein defined.

d. "Law guardian," means an attorney admitted to the practice of law in this State, regularly employed by the Office of the Public Defender, and designated under this act to represent minors in alleged cases of child abuse or neglect.

e. "Attorney" means an attorney admitted to the practice of law in this State who shall be privately retained; or, in the instance of an indigent parent or guardian, a pool attorney from the Office of the Public Defender appointed in order to avoid conflict between the interests of the child and the parent or guardian in regard to representation.

f. "Division" means the Division of Youth and Family Services in the Department of Institutions and Agencies unless otherwise specified.

C. 9:6-8.22 Juvenile and domestic relations court to have jurisdiction over cases.

2. The juvenile and domestic relations court in each county shall have jurisdiction over all proceedings involving alleged cases of child abuse or neglect, and shall be charged with the immediate protection of said children. All cases involving alleged cases of child abuse shall be commenced in or transferred to this court from other courts as they are made known to the other courts. Cases of child abuse or neglect must be the first order of priority in the juvenile and domestic relations court.

C. 9:6-8.23 Representation by law guardian.

3. a. Any minor who is the subject of a child abuse or neglect proceeding under this act must be represented by a law guardian to help protect his interests and to help him express his wishes to the court. However, nothing in this act shall be construed to preclude any other interested person or agency from appearing by counsel.

b. The juvenile and domestic relations court, on its own motion, will make appointments of law guardians.

C. 9:6-8.24 Jurisdiction.

4. Jurisdiction. a. Notwithstanding any other law to the contrary, the juvenile and domestic relations court has exclusive original jurisdiction over proceedings under this act alleging the abuse or neglect of a child.

b. In determining the jurisdiction of the court under this act, the age of the child at the time the proceedings are initiated is controlling.

c. In determining the jurisdiction of the court under this act, the child need not be currently in the care or custody of his parent or guardian, as defined herein.

d. If the matter in regard to the parent or guardian is referred to the county prosecutor, the juvenile and domestic relations court may continue the proceeding under this act in regard to the child after such referral. If the proceeding in regard to the child is continued, the juvenile and domestic relations court may enter any preliminary order necessary to protect the interests of the child pending a final order from the criminal courts.

C. 9:6-8.25 Transfer to and from the domestic relations court.

5. Transfer to and from the domestic relations court. a. The juvenile and domestic relations court may refer such proceeding, in regard to the parent or guardian, to the appropriate county prosecutor, if it concludes upon further hearing that the processes of the juvenile and domestic relations court are inappropriate or insufficient. The juvenile and domestic relations court may continue the proceeding under this act with regard to the child after such referral, and if the proceeding is continued with regard to the child the said court may enter any preliminary order necessary to protect the interest of the child, pending a final order of disposition from the criminal court.

b. Any criminal complaint charging facts amounting to abuse or neglect under this act may be transferred by the county prose-

cutor or the criminal court in which the complaint was made, to the juvenile and domestic relations court, in the county in which the former court is located, unless said juvenile and domestic relations court has transferred the proceedings to such court. If the county prosecutor or criminal court receive a complaint which amounts to child abuse or neglect and decide to retain that complaint for criminal prosecution, the county prosecutor or criminal court shall refer the proceeding with regard to the child to the juvenile and domestic relations court. The juvenile and domestic relations court shall then, upon hearing, determine what further action is appropriate. If the county prosecutor or the criminal court refers a matter with regard to the parent or guardian, or child, and there appears to be no basis for action in the juvenile and domestic relations court, the proceeding may be terminated. If the juvenile and domestic relations court determines a complaint should be filed, proceedings under this act shall be commenced immediately.

c. Nothing in this act shall be interpreted to preclude the county prosecutor from bringing criminal action against the parent or guardian or any other person even though the child involved is initially or ultimately the subject of proceedings in the juvenile and domestic relations court.

C. 9:6-8.26 Venue.

6. Venue. Proceedings under this act may be originated in the county in which the child resides or is domiciled at the time of the filing of the complaint, or in the county in which the person having custody of the child resides or is domiciled.

C. 9:6-8.27 Temporary removal with consent.

7. Temporary removal with consent. a. A peace officer or an agency, institution or individual may temporarily remove a child from the place where he is residing with the consent of his parent or other person legally responsible for his care, if the child is determined to be an abused or neglected child under this act. If the child is not returned within 3 working days from the date of removal, the procedure required pursuant to this act shall be applied immediately. b. However, if the Division of Youth and Family Services removes a child with the written consent of the parent or guardian, the proceedings under this act shall not apply, unless the division files a complaint to commence proceedings under this act.

C. 9:6-8.28 Preliminary orders of court before complaint filed.

8. Preliminary orders of court before complaint filed. a. The juvenile and domestic relations court may enter an order directing the temporary removal of a child from the place where he is residing before the filing of a complaint under this act, if (1) the parent or other person legally responsible for the child's care is absent or, though present, was asked and refused to consent to the temporary removal of the child and was informed of an intent to apply for any order under this section; and (2) the child appears so to suffer from the abuse or neglect of his parent or guardian that his immediate removal is necessary to avoid imminent danger to the child's life or health; and (3) there is not enough time to file a complaint and hold a preliminary hearing.

b. The order shall specify the facility to which the child is to be brought. Except for good cause shown or unless the child is sooner returned to the place where he was residing, a complaint shall be filed under this act within 3 days of the issuance of the order.

c. The juvenile and domestic relations court may enter an order authorizing a physician or hospital to provide emergency medical or surgical procedures before the filing of a complaint under this act if (1) such procedures are necessary to safeguard the life or health of the child; and (2) there is not enough time to file a complaint and hold a preliminary hearing under section 11 hereof.

d. Any person who originates a proceeding under this act may apply for through the Division of Youth and Family Services or the court on its own motion may issue, an order of temporary removal. The division shall make every reasonable effort to inform the parent or guardian of any such application, confer with a person wishing to make such an application and make such inquiries as will aid the court in disposing of such application. Within 24 hours the Division of Youth and Family Services shall report such application to the central registry of the division.

e. Any person acting under the authority of this act may request and shall receive appropriate assistance from local and State law enforcement officials.

C. 9:6-8.29 Emergency removal without court order.

9. Emergency removal without court order. a. A peace officer or a designated employee of a county department of probation or a designated employee of the division may remove a child from the place where he is residing, or any such person or any physician

treating such child may keep a child in his custody without an order pursuant to section 8 thereof and without the consent of the parent or guardian regardless of whether the parent or guardian is absent, if the child is in such condition that his continuance in said place or residence or in the care and custody of the parent or guardian presents an imminent danger to the child's life or health; and

b. If a person authorized by this section removes or keeps custody of a child, he shall (1) inform the division immediately; (2) bring the child immediately to a place designated by the division for this purpose, unless the person is a physician treating the child and the child is or will be presently admitted to a hospital, and (3) make every reasonable effort to inform the parent or guardian of the facility to which he has brought the child.

c. Any person or institution acting in good faith in the removal or keeping of a child pursuant to this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or keeping.

d. Any person acting under the authority of this act may request and shall receive appropriate assistance from local and State law enforcement officials.

C. 9:6-8.30 Action by the division upon emergency removal.

10. Action by the division upon emergency removal. a. The division when informed that there has been an emergency removal of a child from his home without court order shall make every reasonable effort to communicate immediately with the child's parent or guardian and advise the parent or guardian to appear in the appropriate juvenile and domestic relations court on the next court day. The division shall also advise the party making the removal to appear.

b. The division shall cause a complaint to be filed under this act immediately or on the first court day after such removal takes place. The filing of the complaint and the commencement of the hearing regarding the removal may be concurrent.

C. 9:6-8.31 Preliminary orders after filing of complaint.

11. Preliminary orders after filing of complaint. a. In any case where the child has been removed without court order, the juvenile and domestic relations court shall hold a hearing on the next court day to determine whether the child's interests require protection pending a final order of disposition. In any other case under this act, any person who may originate a proceeding may apply for, or the court, on its own motion, may order a hearing at any time after

the complaint is filed to determine whether the child's interests require protection pending a final order of disposition.

b. Upon such hearing, if the court finds that continued removal is necessary to avoid an ongoing risk to the child's life or health, it shall affirm the removal of the child to an appropriate place or place him in the custody of a suitable person.

c. Upon such hearing the court may, for good cause shown, issue a preliminary order of protection which may contain any of the provisions authorized on the making of an order of protection under section 35 hereof.

d. Upon such hearing, the court may, for good cause shown, release the child to the custody of his parent or guardian from whose custody or care the child was removed, pending a final order of disposition, in accord with section 33 hereof.

e. Upon such hearing, the court may authorize a physician or hospital to provide medical or surgical procedures if such procedures are necessary to safeguard the child's life or health.

f. If the court grants or denies a preliminary order requested pursuant to this section, it shall state the grounds for such decision.

g. In all cases involving abuse or neglect the court shall order an examination of the child by a physician appointed or designated for the purpose by the division. As part of such examination, the physician shall arrange to have colored photographs taken as soon as practical of any areas of trauma visible on such child and may if indicated, arrange to have a radiological examination performed on the child. The physician, on the completion of such examination, shall forward the results thereof together with the color photographs to the court ordering such examination. The court may dispense with such examination in those cases which were commenced on the basis of a physical examination by a physician. Unless colored photographs have already been taken or unless there are no areas of visible trauma, the court shall arrange to have colored photographs taken even if the examination is dispensed with.

C. 9:6-8.32 Application to return child temporarily removed.

12. Application to return child temporarily removed. Upon the application of the parent or guardian temporarily removed under this act for an order returning the child, the court shall hold a hearing to determine whether the child should be returned; a. if there has not been a hearing on the removal of the child at which the parent or guardian was present or had an adequate opportunity

to be present; or b. upon good cause shown. Except for good cause shown, such hearing shall be held within 3 court days of the application. Upon such hearing, the court shall grant the application, unless it finds: (1) where a complaint has not been filed, that the return presents an imminent risk to the child's life or health; or (2) where a complaint has been filed, that there is a substantial probability that the child will be found to be abused or neglected under this act, and that the final order of disposition will be an order of placement under section 34 hereof, or that, pending entry of a final order of disposition, temporary removal is necessary to avoid an imminent risk to the child's life or health.

C. 9:6-8.33 Originating proceeding to determine abuse or neglect.

13. Originating proceeding to determine abuse or neglect. a. A proceeding under this act is originated by the filing of a complaint in which facts sufficient to establish that a child is an abused or neglected child under this act are alleged.

b. Where more than one child is the responsibility of the parent or guardian it may be alleged in the same complaint that one or more children are abused or neglected children.

c. In cases of emergency, in addition to the removal of one child, any other child residing in the home may also be removed, even though there is not an allegation of abuse or neglect in reference thereto.

C. 9:6-8.34 Persons who may originate proceedings.

14. Persons who may originate proceedings. The following persons may originate a proceeding under this act:

a. A parent or other person interested in the child.

b. A duly authorized agency, association, society or institution.

c. A peace officer.

d. Any person having knowledge or information of a nature which convinces him that a child is abused or neglected.

e. A person on the court's direction.

f. The county prosecutor.

g. In cases where a private individual is unwilling or reluctant to file a complaint, he may request the division to initiate a complaint in his stead.

C. 9:6-8.35 Preliminary procedure.

15. Preliminary procedure. The division may:

a. Confer with any person seeking to file a complaint, the potential respondent, and other interested persons concerning the advisability of filing a complaint under this act and

b. Attempt to adjust suitable cases before a complaint is filed over which the court apparently would have jurisdiction.

c. The division shall not prevent any person or agency who wishes to file a complaint under this act from having access to the court for that purpose.

d. Efforts at adjustment under this section may not extend for a period of more than 30 days without an order of a judge of the court, who may extend the period for an additional 30 days.

e. The division shall not be authorized under this section to compel any person to appear at any conference, produce any papers, or visit any place.

f. The juvenile and domestic relations court and the division shall deal with cases involving imminent physical harm or actual physical harm on a priority basis.

C. 9:6-8.36 Admissibility of statements made during a preliminary conference.

16. Admissibility of statements made during a preliminary conference. No statement made during a preliminary conference held pursuant to section 15 hereof may be admitted into evidence at a fact-finding hearing under this act or in a court of criminal jurisdiction at any time prior to conviction.

C. 9:6-8.37 Issuance of summons.

17. Issuance of summons. On the filing of a complaint involving abuse or neglect under this act, unless a warrant is issued pursuant to section 19 hereof, the court shall cause a copy of the complaint and a summons to be issued forthwith, clearly marked on the face thereof, "Child Abuse-Neglect Case," requiring the parent or guardian with whom the child is residing to appear at the court within 3 court days regarding the complaint. The court shall also, unless dispensed with for good cause shown, require the person thus summoned to produce the child at the time and place named.

C. 9:6-8.38 Service of summons.

18. Service of summons. a. In cases involving abuse, or neglect the complaint and summons shall be served within 2 court days after their issuance. If they cannot be served within that time, such fact shall be reported to the court with the reasons therefor within 3 court days after their issuance and the court shall thereafter issue a warrant in accordance with the provisions of section 19 of this act. The court shall also, unless dispensed with for good cause shown, direct that the child be brought before the court.

b. Service of a summons and complaint shall be made by delivery of a true copy thereof to the person summoned at least 24 hours before the time stated therein for appearance.

c. If after reasonable effort, personal service is not made, the court may at any stage in the proceedings make an order providing for substituted service in the manner provided for substituted service in civil process.

C. 9:6-8.39 Issuance of warrant and reports.

19. Issuance of warrant and reports. a. The court may issue a warrant directing the parent or guardian with whom the child is residing to be brought before the court, when a complaint is filed with the court under this act and it appears that (1) the summons cannot be served; or (2) the summoned person has refused to obey the summons; or (3) the parent or guardian is likely to leave the jurisdiction; or (4) a summons, in the court's opinion, would be ineffectual; or (5) the safety of the child is endangered.

b. When issuing a warrant under this section, the court may also direct that the child be brought before the court.

c. In any case involving abuse, or neglect the warrant shall be clearly marked on the face thereof "Child Abuse-Neglect Case." If a warrant is not executed within 2 court days of its issuance such fact shall be reported to the court within 3 court days of its issuance.

C. 9:6-8.40 Records involving abuse or neglect.

20. Records involving abuse or neglect. When the division receives a report or complaint that a child may be abused or neglected; or when the division receives a request from the juvenile and domestic relations court to investigate such allegations, the division may request of any and all public or private institutions, or agencies including law enforcement agencies, or any private practitioners, their records past and present pertaining to that child and other children under the same care, custody and control. These records will be released to the division for the purpose of aiding in evaluation to determine if the child is abused or neglected. In the release of the aforementioned records, the source shall have immunity from any liability, civil or criminal.

C. 9:6-8.41 Required findings concerning notice.

21. Required findings concerning notice. No hearing may commence under this act unless the court enters a finding:

a. That the parent or guardian is present at the hearing or has been served with a copy of the complaint; or

b. If the parent or guardian is not present, that every reasonable effort has been made to effect service under sections 18 and 19 hereof.

C. 9:6-8.42 Effect of absence of parent or guardian.

22. Effect of absence of parent or guardian. If the parent or guardian is not present, the court may proceed to head a complaint under this act only if the child is represented by a law guardian. If the parent or guardian thereafter makes a motion to the court that a resulting disposition be vacated and asks for a rehearing, the court shall grant the motion on an affidavit showing such relationship or responsibility unless the court finds that the parent or guardian willfully refused to appear at the hearing in which case the court may deny the motion.

C. 9:6-8.43 Notice of rights.

23. Notice of rights. a. The court shall advise the parent or guardian of his right to have an adjournment to retain counsel and consult with him. The court shall advise the respondent that if he is indigent, he may apply for an attorney through the Office of the Public Defender. The court shall also inform the child of his right to be represented by a law guardian.

b. The general public may be excluded from any hearing under this act, and only such persons and the representatives of authorized agencies may be admitted thereto as have an interest in the case.

C. 9:6-8.44 Definition of "fact-finding hearing."

24. Definition of "fact-finding hearing." When used in this act the term "fact-finding hearing" means a hearing to determine whether the child is an abused or neglected child as defined herein.

C. 9:6-8.45 Definition of "dispositional hearing."

25. Definition of "dispositional hearing." When used in this act the term "dispositional hearing" means a hearing to determine what order should be made.

C. 9:6-8.46 Evidence.

26. Evidence. a. In any hearing under this act (1) proof of the abuse or neglect of one child shall be admissible evidence on the issue of the abuse or neglect of any other child of, or the responsibility of, the parent or guardian and (2) proof of injuries sustained by a child or of the condition of a child of such a nature as would ordinarily not be sustained or exist except by reason of the acts or omissions of the parent or guardian shall be prima facie

evidence that a child of, or who is the responsibility of such person is an abused or neglected child, and (3) any writing, record or photograph, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any condition, act, transaction, occurrence or event relating to a child in an abuse or neglect proceeding of any hospital or any other public or private institution or agency shall be admissible in evidence in proof of that condition, act, transaction, occurrence or event, if the judge finds that it was made in the regular course of the business of any hospital or any other public or private institution or agency, and that it was in the regular course of such business to make it, at the time of the condition, act, transaction, occurrence or event, or within a reasonable time thereafter, shall be prima facie evidence of the facts contained in such certification. A certification by someone other than the head of the hospital or agency shall be accompanied by a photocopy of a delegation of authority signed by both the head of the hospital or agency and by such other employees. All other circumstances of the making of the memorandum, record or photograph, including lack of personal knowledge of the making, may be proved to affect its weight, but they shall not affect its admissibility and (4) previous statements made by the child relating to any allegations of abuse or neglect shall be admissible in evidence; provided, however, that no such statement, if uncorroborated, shall be sufficient to make a fact finding of abuse or neglect and (5) neither the privilege attaching to confidential communications between husband and wife, nor the physician-patient and related privileges, nor the social worker client privilege, shall be a ground for excluding evidence which otherwise would be admissible.

b. In a fact-finding hearing (1) any determination that the child is an abused or neglected child must be based on a preponderance of the evidence and (2) except as otherwise provided by this act, only competent, material and relevant evidence may be admitted.

c. In a dispositional hearing and during all other stages of a proceeding under this act, except a fact-finding hearing, only material and relevant evidence may be admitted.

C. 9:6-8.47 Sequence of hearings.

27. Sequence of hearings. a. Upon completion of the fact-finding hearing, the dispositional hearing may commence immediately after the required findings are made.

b. Reports prepared by the probation department or the Division

for use by the court at any time for the making of an order of disposition shall be deemed confidential information furnished to the court which the court in a proper case may, in its discretion, withhold from or disclose in whole or in part to the law guardian, attorney as defined herein, or other appropriate person. Such reports may not be furnished to the court prior to the completion of a fact-finding hearing, but may be used in a dispositional hearing.

C. 9:6-8.48 Adjournments.

28. Adjournments. a. The court may adjourn a fact-finding hearing or a dispositional hearing for good cause shown on its own motion or on the motion of the county prosecutor, the law guardian, or the respondent's attorney. If so requested, the court shall not proceed with a fact-finding hearing earlier than 3 days after service of summons and complaint, unless emergency medical or surgical procedures are necessary to safeguard the life and health of the child. Adjournment may not exceed 30 court days, without additional court appearance.

b. At the conclusion of a fact-finding hearing and after it has made findings required before a dispositional hearing may commence, the court may adjourn the proceedings to enable it to make inquiry into the surroundings, conditions, and capacities of the persons involved in the proceedings.

C. 9:6-8.49 Special consideration in certain cases.

29. Special consideration in certain cases. In scheduling hearings and investigations, the court shall give priority to proceedings under this act involving imminent or actual physical harm, or in which a child has been removed from home before a final order of disposition. Any adjournment granted in the course of such a proceeding should be for as short a time as possible.

C. 9:6-8.50 Sustaining or dismissing complaint.

30. Sustaining or dismissing complaint. a. If facts sufficient to sustain the complaint are established in accordance with article 4 of this act, the court shall, subject to the provisions of subsection c. hereof, enter an order finding that the child is an abused neglected child and shall state the grounds for said findings.

b. If the proof does not conform to the specific allegations of the complaint, the court may amend the allegations to conform to the proof; provided, however, that in such case the respondent shall be given reasonable time to prepare to answer the amended allegations.

c. If facts sufficient to sustain the complaint under this act are not established, or the court concludes that its assistance is not required on the record before it, the court shall dismiss the complaint and shall state the grounds for the dismissal.

d. If the court makes a finding of abuse or neglect, it shall determine, based upon the facts adduced during the fact-finding hearing, and upon any other facts presented to it, whether a preliminary order pursuant to section 11 hereof is required to protect the child's interests pending a final order of disposition. The court shall state the grounds for its determination. In addition, a child found to be abused or neglected may be removed and remanded to a place designated by the court or be placed in the custody of a suitable person, pending a final order of disposition, if the court finds that there is a substantial probability that the final order of disposition will be an order of placement under the section 34 hereof.

C. 9:6-8.51 Disposition of adjudication.

31. Disposition of adjudication. a. At the conclusion of a dispositional hearing under this act, the court shall enter an order of disposition: (1) suspending judgment in accord with section 32 hereof; (2) releasing the child to the custody of his parents or guardian in accord with section 33 hereof; (3) placing the child in accord with section 34 hereof; (4) making an order of protection in accord with section 35 hereof; (5) placing the respondent on probation in accord with section 36 hereof; (6) requiring that an individual found to have abused or neglected a child accept therapeutic services, and this order may be carried out in conjunction with any other order of disposition.

b. The court shall state the grounds for any disposition made under this section.

C. 9:6-8.52 Suspended judgment.

32. Suspended judgment. a. The court shall define permissible terms and conditions of a suspended judgment. These terms and conditions shall relate to the acts or omissions of the parent or guardian.

b. The maximum duration of any term or condition of a suspended judgment shall be 1 year, unless the court finds at the conclusion of that period, upon a hearing, that exceptional circumstances required an extension thereof for an additional year.

C. 9:6-8.53 Release to custody of parent or guardian.

33. Release to custody of parent or guardian. a. If the order of

disposition releases the child to the custody of his parent or guardian responsible for his care at the time of the filing of the complaint, the court may place the child under supervision of the division or may enter an order of protection under section 35 hereof.

b. The court shall define permissible terms and conditions of supervision under this section. The maximum duration of any such term or condition shall not exceed a period of 1 year, unless the court finds at the conclusion of that period of 1 year, upon a hearing, that exceptional circumstances require an extension thereof for an additional year.

C. 9:6-8.54 Placement.

34. Placement. a. For the purposes of section 31 hereof, the court may place the child in the custody of a relative or other suitable person or the division for the placement of a child.

b. Placements under this section may be for an initial period of 18 months and the court, in its discretion, may at the expiration of that period, upon a hearing make successive extensions for additional periods of 1 year each. The place in which or the person with which the child has been placed under this section shall submit a report at the end of the year of placement, making recommendations and giving such supporting data as is appropriate. The court on its own motion may, at the conclusion of any period of placement, hold a hearing concerning the need for continuing the placement.

c. No placement may be made or continued under this section beyond the child's eighteenth birthday without his consent and in no event past his twenty-first birthday.

d. If the parent or person legally responsible for the care of any such child or with whom such child resides receives public assistance and care, any portion of which is attributable to such child, a copy of the order of the court providing for the placement of such child from his home shall be furnished to the appropriate county welfare board, which shall reduce the public assistance and care furnished to such parent or other person by the amount attributable to such child.

C. 9:6-8.55 Order of protection.

35. Order of protection. The court may make an order of protection in assistance or as a condition of any other order made under this act. The order of protection may set forth reasonable conditions of behavior to be observed for a specified time by a per-

son who is before the court and is a parent or guardian responsible for the child's care or the spouse of the parent or guardian, or both. Such an order may require any such person: a. To stay away from the home, the other spouse or the child; b. To permit a parent to visit the child at stated periods; c. To abstain from offensive conduct against the child or against the other parent or against any person to whom custody of the child is awarded; d. To give proper attention to the care of the home; and e. To refrain from acts of commission or omission that tend to make the home not a proper place for the child.

The court may also award custody of the child, during the term of the order of protection to either parent or to an appropriate relative; however, nothing in this section shall be construed to give the court power to place or board out any child or to commit a child to the custody of an institution or agency. In making orders of protection, the court shall so act as to insure that in the care, protection, discipline and guardianship of the child, his religious faith shall be preserved and protected.

C. 9:6-8.56 Probation supervision.

36. Probation supervision. The court may place the respondent under the supervision of the probation department and the court shall define permissible terms and conditions of said supervision. The maximum duration of any such term or condition shall not exceed a period of 2 years, unless the court finds at the conclusion of that period that exceptional circumstances required an extension thereof for an additional year.

C. 9:6-8.57 Abandoned child.

37. Abandoned child. If the court finds that a child was abandoned by his parents or guardian, it may make an order so finding and may discharge the child to the custody of the Division which shall provide for such child as authorized by law.

C. 9:6-8.58 Provision for therapeutic services.

38. Provision for therapeutic services. In cases where, in the opinion of the court, an individual found to have abused or neglected a child appears to be in need of therapeutic services, the court may order the individual to accept such services or evaluation for such services, including, but not limited to, homemaker services, functional education, group self-help programs, and professional therapy; provided, however, that the court may not commit any person to any residential mental health facility without the consent of such person or after a hearing held pursuant to the requirements

of R. S. 30:4-23 et seq. The court shall determine the ability to pay and the method of payment for the care, as it orders.

C. 9:6-8.59 Staying, modifying, setting aside or vacating orders.

39. Staying, modifying, setting aside or vacating orders. For good cause shown and after due notice, the court on its own motion, or that of the county prosecutor, the law guardian, or the respondent's attorney, may stay execution of arrest, set aside, modify or vacate any order issued in the course of a proceeding under this act. The court must state the grounds for this action.

C. 9:6-8.60 Petition to terminate placement.

40. Petition to terminate placement. Any interested person acting on behalf of a child placed under section 34 hereof or the child's parents or guardian may petition the court for any order terminating the placement. The petition must be verified and must show:

- a. That an application for the child's return to his home was made to an appropriate person after expiration of the Order of Placement provided for in section 34 hereof;
- b. That the application was denied or was not granted within 30 days from the day application was made; and
- c. The grounds for the petition.

C. 9:6-8.61 Service of petition; answer.

41. Service of petition; answer. A copy of a petition under section 40 hereof shall promptly be served upon the division or the individual having custody of the child under section 34 whose duty it shall be to file an answer to the petition within 5 days.

C. 9:6-8.62 Examination of petition and answer; hearing.

42. Examination of petition and answer; hearing. The court shall promptly examine the petition and answer. If the court concludes that a hearing should be held, it may proceed upon due notice to all concerned parties to hear the facts and determine whether continued placement serves the purposes of this act. If the court concludes that a hearing is not necessary, it shall enter an order granting or denying the petition.

C. 9:6-8.63 Orders on hearing.

43. Orders on hearing. a. If the court determines after hearing that continued placement serves the purposes of this act, it shall deny the petition. The court may, on its own motion, reduce the duration of the placement, change the agency or institution in which the child is placed, or direct the division to make such other arrangements for the child's care and welfare as the facts of the case may require.

b. If the court determines, after hearing, that continued placement does not serve the purposes of this act, the court shall discharge the child from the custody of the division or person given custody under section 34 hereof.

C. 9:6-8.64 Successive petitions.

44. Successive petitions. If a petition under section 40 hereof is denied, it may not again be filed with the court for a period of 90 days after the denial, unless the order of denial permits refiling at an earlier time.

C. 9:6-8.65 Custody of child.

45. If under section 34, custody of the child is given to a party other than the division, and that party is no longer able to continue custody of the child, the court may authorize the division to arrange for the child's care by another person or assume guardianship of the child.

C. 9:6-8.66 Failure to comply with terms and conditions of suspended judgment.

46. Failure to comply with terms and conditions of suspended judgment. If a parent or guardian responsible for a child's care is brought before the court for failing to comply with the terms and conditions of a suspended judgment issued under section 32 hereof, and if, after hearing, the court is satisfied by competent proof that the parent or guardian did so, the court may revoke the suspension of judgment and enter any order that might have been made at the time judgment was suspended.

C. 9:6-8.67 Failure to comply with terms and conditions of probation.

47. Failure to comply with terms and conditions of probation. If a parent or guardian is brought before the court for failing to comply with the terms and conditions of an order of probation issued under section 36 hereof, or of an order of protection issued under section 35 or section 11 hereof, and if, after hearing, the court is satisfied by competent proof that the parent or guardian did so willfully and without just cause, the court may revoke the order of probation or of protection and enter any order that might have been made at the time the order of probation was made.

C. 9:6-8.68 Effect of running away from place of placement.

48. Effect of running away from place of placement. If a child placed under section 34 hereof runs away from the place of placement, the court may, after hearing, revoke the order of placement and may make any order, including an order of placement, that might have been made at the time the order of placement was made.

The court may require that the child be present at such hearing and shall appoint a law guardian to represent him.

C. 9:6-8.69 Release from responsibility under order of placement.

49. Release from responsibility under order of placement. Those responsible for the operation of a place where a child has been placed under section 34 hereof may petition the court for leave to return the child to the court and, for good cause shown, to be released from responsibility under the order of placement. After hearing the court may grant the petition and make any order, including an order of placement, that might have been made at the time the order of placement was made.

C. 9:6-8.70 Appealable orders.

50. Appealable orders. An appeal may be taken as of right from any order of disposition and from any other order made pursuant to this act. An appeal from an intermediate or final order or decision in a case involving child abuse may be taken as of right to the appellate division of the Superior Court and shall have preference over all other matters. Pending the determination of such appeal, such order or decision shall be stayed where the effect of such order or decision would be to discharge the child, if the juvenile and domestic relations court or the court before which such appeal is pending finds that such a stay is necessary to avoid imminent risk to the child's life or health.

C. 9:6-8.71 Appropriation.

51. There shall be appropriated from the general fund such funds as are necessary to implement the provisions and to effectuate the purposes of this act as shall be included in any general or supplemental appropriation act.

C. 9:6-8.72 Rules and regulations.

52. The division shall promulgate such rules and regulations that will facilitate compliance with this act.

53. Section 2 of P. L. 1971, c. 437 (C. 9:6-8.9) is amended to read as follows:

C. 9:6-8.9 "Abused child" defined.

2. For purposes of this act:

"Abused child" means a child under the age of 18 years whose parent, guardian, or other person having his custody and control

a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or

protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or

c. Commits or allows to be committed an act of sexual abuse against the child;

d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, or such other person having his custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other act of a similarly serious nature requiring the aid of the court; or

e. Who has been willfully abandoned by his parent or guardian, or such other person having his custody and control.

R. S. 9:6-9 to

R. S. 9:6-12

and

C. 9:6-8.1 to

C. 9:6-8.7 Repealed.

54. Article 2 of chapter 6 of Title 9 of the Revised Statutes (R. S. 9:6-9 to 9:6-12) and P. L. 1964, c. 30 (C. 9:6-8.1 to 9:6-8.7) are repealed.

C. 9:6-8.73 Severability.

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

56. This act shall take effect immediately but shall remain inoperative for 90 days thereafter, but any action or appointments necessary to effectuate this act may be made or taken prior thereto.

Approved October 10, 1974.

CHAPTER 120

AN ACT authorizing counties and municipalities to make appropriations to certain narcotic and drug abuse treatment centers, and validating certain proceedings and appropriations heretofore made.

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

C. 40:9B-3 Declaration of policy; Legislature's findings.

1. The Legislature hereby recognizes that it is the declared public policy of this State that the social and personal anguish of drug addiction is a grave public concern, and that priority should be given to the establishment of a comprehensive program to be achieved through the coordinated efforts and resources both of public and private agencies to prevent and control drug addiction and to provide diagnosis, treatment care and rehabilitation for drug addicts. The Legislature further recognizes that the costs incurred in treating and rehabilitating the addict and in counseling the potential addict have become increasingly expensive, and that current financial exigencies are creating additional burdens for private, nonprofit agencies performing this important public service, while also rendering the cost of establishing new treatment centers prohibitive for local units of government. Therefore, the Legislature hereby finds that because private, nonprofit agencies are providing services which are in furtherance of a policy in an area of grave public concern, it is in the public interest to authorize counties and municipalities to appropriate funds for the purpose of helping to defray expenses incurred by such private agencies in the provision of narcotic and drug abuse treatment facilities and programs to community residents.

C. 40:9B-4 Annual appropriation of funds.

2. The governing body of any county or municipality may annually appropriate funds to any approved, privately operated, nonprofit narcotic and drug abuse treatment center certified by the Commissioner of the State Department of Health pursuant to P. L. 1970, c. 334 (C. 26:2G-21 et seq.), for the purpose of helping to defray expenses incurred in the provision of facilities to prevent and control drug abuse, and to provide diagnosis, treatment, rehabilitation and aftercare to drug addicts who are residents of any county or municipality making such appropriations.

C. 40:9B-5 Validation.

3. All appropriations heretofore made by any county or municipality for any of the purposes herein authorized are hereby ratified, validated and confirmed.

4. This act shall take effect immediately.

Approved October 10, 1974.

CHAPTER 121

AN ACT to relocate, fix and establish a portion of the boundary line between the borough of Hillsdale and the township of Washington in the county of Bergen.

WHEREAS, The governing bodies of the borough of Hillsdale and the township of Washington in the county of Bergen have determined, by ordinance 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 1 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 Hillsdale and the township of Washington in the county of Bergen be and the same is hereby relocated, fixed and established so that the following described line shall constitute such relocated boundary line:

Beginning at the point of intersection of the center line of Pascack Road with the existing boundary line between the Borough of Hillsdale and the Township of Washington and running thence:

(1) Southerly along the center line of Pascack Road to the point at which said center line intersects the projection westerly of the division line between Lot 30 (now or formerly of Woitovich) and

Lot 31 (now or formerly of Purich) in Block 3101 as shown on the Washington Township Tax Assessment Map; thence

(2) Easterly, along said division line between said Lots 30, 29 and 28 to the north and Lots 31 and 27 to the south, all in Block 3101 on said Tax Assessment Map, and along the easterly projection of said division line to the point at which it intersects the center line of Elf Hill Court; thence

(3) Northerly, along the center line of Elf Hill Court to the point at which said center line intersects the projection westerly of the division line between Lot 21 (now or formerly of Devich) and Lot 22 (now or formerly of Smerck) in said Block 3101; thence

(4) Easterly along said division line between said Lots 21 and 22 to the point at which it intersects the division line between said Lot 21 and Lot 20 (now or formerly of Murrell) in said Block 3101; thence

(5) Southerly along said division line to the point at which it intersects the northerly line of Lot 18 in Block 3101 (now or formerly of Berga); thence

(6) Easterly, along said northerly line of Lot 18, being also the southerly rear line of Lot 20 (now or formerly of Murrell) and Lot 19 (now or formerly of Zerilli) in said Block 3101 and the projection thereof easterly to the point at which it intersects the center line of Clinton Avenue; thence

(7) Northerly along the center line of Clinton Avenue to the point at which it intersects the existing boundary line between the Borough of Hillsdale on the north and the Township of Washington on the south; thence.

(8) Easterly along said existing boundary line to the point at which it intersects the westerly dead-end line of Van Place; thence

(9) Southerly along the westerly dead-end line of Van Place to the southerly side of Van Place; thence

(10) Easterly along the southerly side of Van Place and the projection easterly thereof to its intersection with the center line of Chestnut Street; thence

(11) Southerly along the center line of Chestnut Street to the point at which it intersects the westerly projection of the northerly line of lands now or formerly of Lanrie; thence

(12) Easterly along said northerly line of lands now or formerly

of Lanrie (being Lot 7 in Block 3107 on the Washington Township Tax Assessment Map and Lot 8 in Block 717 on the Hillsdale Tax Assessment Map) to the westerly line of Lot 9 in Block 717 on the Hillsdale Tax Assessment Map; thence

(13) Southerly along said Lot 9 in Block 717 on the Hillsdale Tax Assessment Map and Lot 9 in Block 3107 on the Washington Township Tax Assessment Map to the northerly line of lands now or formerly of Pigata (being also the northerly line of Lot 10 in Block 3107 on the Washington Township Tax Assessment Map); thence

(14) Easterly along said northerly line of Lot 10 in Block 3107 and the easterly projection thereof to the center line of Colonial Boulevard; thence

(15) Southerly along the center line of Colonial Boulevard to the point at which it intersects the westerly projection of the northerly line of lands now or formerly of Bahrenberg; thence

(16) Easterly along said projection and the northerly line of lands now or formerly of Bahrenberg (being Lot 5 in Block 3109 on the Washington Township Tax Assessment Map and Lot 7 in Block 716 on the Hillsdale Tax Assessment Map) to the westerly line of Lot 1 in Block 716 on the Hillsdale Tax Assessment; thence

(17) Southerly along the westerly line of Lot 1 in Block 716 on the Hillsdale Tax Assessment Map and the westerly line of Lot 7 in Block 3109 on the Washington Township Tax Assessment Map, to the northerly line of Lot 8 in Block 3109 (now or formerly of McKiernan); thence

(18) Easterly along said northerly line of lands now or formerly of McKiernan and the easterly projection thereof to the point at which it intersects the center line of Beach Street; thence

(19) Southerly along the center line of Beach Street to the point at which said center line intersects the westerly projection of the northerly line of Lot 17 in Block 3111 on the Washington Township Tax Assessment Map; thence

(20) Easterly, along said projection and along the southerly line of Lot 30 in Block 715 on the Hillsdale Tax Assessment Map to a point in the westerly line of Lot 28 in Block 715 on the Hillsdale Tax Assessment Map; thence

(21) Southerly, along the westerly line of Lot 28 in Block 715 on the Hillsdale Tax Assessment Map and the westerly line of Lot 19

in Block 3111 on the Washington Township Tax Assessment Map, to a point in the southerly line of said Lot 19 in Block 3111; thence

(22) Easterly along the southerly line of said Lot 19, Lot 20 and Lot 21 in Block 3111 on the Washington Township Tax Assessment Map and continuing easterly along the southerly line of Lot 27 in Block 715 on the Hillsdale Tax Assessment Map to the easterly line of said Lot 27 in Block 715; thence

(23) Southerly along said easterly line of Lot 27 in Block 715 to the point at which it intersects the existing boundary line between the Borough of Hillsdale and the Township of Washington; thence

(24) Easterly along said existing boundary line between the Borough of Hillsdale and the Township of Washington to the point at which it intersects the center line of Taylor Avenue; thence

(25) Northerly along the center line of Taylor Avenue to the point at which it intersects the center line of Boulevard South; thence

(26) Easterly along the center line of Boulevard South to the point at which it intersects the northerly projection of the westerly line of Lot 6 in Block 1114 on the Hillsdale Tax Assessment Map; thence

(27) Southerly along said projection and along said westerly line of Lot 6 in Block 1114 on the Hillsdale Tax Assessment Map and the westerly line of Lot 18 in Block 4103 on the Washington Township Tax Assessment Map, to the southerly line of said Lot 18 in Block 4103 on the Washington Township Tax Assessment Map; thence

(28) Easterly, along the southerly line of Lots 18, 19, 20 and 21 in Block 4103 on the Washington Township Tax Assessment Map and the projection thereof easterly to the point of juncture of the existing boundary lines of the Township of Washington, the Borough of Hillsdale and the Borough of Westwood.

The above description is in accordance with a certain map entitled, "Proposed Boundary Line Revision Between Township of Washington and Borough of Hillsdale (Bergen County, New Jersey)" prepared by Azzolina Engineering Company, dated December 1967, revised November 2, 1970, copies of which are on file in the office of the clerk of the Borough of Hillsdale and in the office of the clerk of the Township of Washington.

2. That upon the effective date of this act, all lands now within the territorial limits of the township of Washington lying northerly of the line described in section 1 hereof shall be and become part of said borough of Hillsdale and all lands now within the Borough of Hillsdale lying southerly of said line shall be and become part of said township of Washington.

3. This act shall take effect immediately upon approval and adoption hereof by the voters of the borough of Hillsdale and the township of Washington as provided by law.

Approved October 10, 1974.

CHAPTER 122

AN ACT concerning municipal support of first aid and emergency or volunteer ambulance or rescue squad associations, and amending R. S. 40:5-2.

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

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

Contributions to first aid and emergency or volunteer ambulance or rescue squad associations.

40:5-2. Any county or municipality may make a voluntary contribution of not more than \$15,000.00 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein, rendering service generally throughout the county, or any of the municipalities thereof.

2. This act shall take effect immediately.

Approved October 17, 1974.

CHAPTER 123

AN ACT to amend and supplement the "New Jersey Employer-Employee Relations Act," approved April 30, 1941 (P. L. 1941, c. 100) as said short title and act were amended and supplemented by P. L. 1968, c. 303.

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

C. 34:13A-5.4 Prohibited acts by employers, their representatives or agents; powers and duties of commission.

1. a. Employers, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Dominating or interfering with the formation, existence or administration of any employee organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act.

(4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative.

(6) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(7) Violating any of the rules and regulations established by the commission.

b. Employee organizations, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Interfering with, restraining or coercing a public employer in the selection of his representative for the purposes of negotiations or the adjustment of grievances.

(3) Refusing to negotiate in good faith with a public employer,

if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit.

(4) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(5) Violating any of the rules and regulations established by the commission.

c. The commission shall have exclusive power as hereinafter provided to prevent anyone from engaging in any unfair practice listed in subsections a. and b. above. Whenever it is charged that anyone has engaged or is engaging in any such unfair practice, the commission, or any designated agent thereof, shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice charged and including a notice of hearing containing the date and place of hearing before the commission or any designated agent thereof; provided that no complaint shall issue based upon any unfair practice occurring more than 6 months prior to the filing of the charge unless the person aggrieved thereby was prevented from filing such charge in which event the 6 months period shall be computed from the day he was no longer so prevented.

In any such proceeding, the provisions of the Administrative Procedure Act P. L. 1968, c. 410 (C. 52:14B-1 et seq.) shall be applicable. Evidence shall be taken at the hearing and filed with the commission. If, upon all the evidence taken, the commission shall determine that any party charged has engaged or is engaging in any such unfair practice, the commission shall state its findings of fact and conclusions of law and issue and cause to be served on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable affirmative action as will effectuate the policies of this act. All cases in which a complaint and notice of hearing on a charge is actually issued by the commission, shall be prosecuted before the commission or its agent, or both, by the representative of the employee organization or party filing the charge or his authorized representative.

d. The commission shall at all times have the power and duty, upon the request of any public employer or majority representative, to make a determination as to whether a matter in dispute is within the scope of collective negotiations. The commission shall serve the parties with its findings of fact and conclusions of law. Any determination made by the commission pursuant to this subsection may be appealed to the Appellate Division of the Superior Court.

e. The commission shall adopt such rules as may be required to regulate the conduct of representation elections, and to regulate the time of commencement of negotiations and of institution of impasse procedures so that there will be full opportunity for negotiations and the resolution of impasses prior to required budget submission dates.

f. The commission shall have the power to apply to the Appellate Division of the Superior Court for an appropriate order enforcing any order of the commission issued under subsection c. or d. hereof, and its findings of fact, if based upon substantial evidence on the record as a whole, shall not, in such action, be set aside or modified; any order for remedial or affirmative action, if reasonably designed to effectuate the purposes of this act, shall be affirmed and enforced in such proceeding.

2. Section 3 of P. L. 1941, c. 100 (C. 34:13A-3) is amended to read as follows:

C. 34:13A-3 Definitions.

3. When used in this act:

(a) The term "board" shall mean New Jersey State Board of Mediation.

(b) The term "commission" shall mean New Jersey Public Employment Relations Commission.

(c) The term "employer" includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer's knowledge or ratification, but a labor organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization. This term shall include "public employers" and shall mean the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission, or board, or any branch or agency of the public service.

(d) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer unless this act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment. This term, however, shall not include any individual taking the place of any employee whose work has ceased

as aforesaid, nor shall it include any individual employed by his parent or spouse, or in the domestic service of any person in the home of the employer, or employed by any company owning or operating a railroad or railway express subject to the provisions of the Railway Labor Act. This term shall include any public employee, i.e., any person holding a position, by appointment or contract, or employment in the service of a public employer, except elected officials, members of boards and commissions, managerial executives and confidential employees.

(e) The term "representative" is not limited to individuals but shall include labor organizations, and individual representatives need not themselves be employed by, and the labor organization serving as a representative need not be limited in membership to the employees of, the employer whose employees are represented. This term shall include any organization, agency or person authorized or designated by a public employer, public employee, group of public employees, or public employee association to act on its behalf and represent it or them.

(f) "Managerial executives" of a public employer means persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that in any school district this term shall include only the superintendent or other chief administrator, and the assistant superintendent of the district.

(g) "Confidential employees" of a public employer means employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

3. Section 6 of P. L. 1968, c. 303 (C. 34:13A-5.2) is amended to read as follows:

C. 34:13A-5.2 New Jersey Public Employment Relations Commission; powers and duties; members; terms; compensation.

6. There is hereby established in the Division of Public Employment Relations a commission to be known as the New Jersey Public Employment Relations Commission. This commission, in addition to the powers and duties granted by this act, shall have in the public employment area the same powers and duties granted to the labor mediation board in sections 7 and 10 of P. L. 1941, c. 100, and in sections 2 and 3 of P. L. 1945, c. 32. This commission shall make policy and establish rules and regulations concerning em-

employer-employee relations in public employment relating to dispute settlement, grievance procedures and administration including enforcement of statutory provisions concerning representative elections and related matters and to implement fully all the provisions of this act. The commission shall consist of seven members to be appointed by the Governor, by and with the advice and consent of the Senate. Of such members, two shall be representative of public employers, two shall be representative of public employee organizations and three shall be representative of the public including the appointee who is designated as chairman. Of the first appointees, two shall be appointed for 2 years, two for a term of 3 years and three, including the chairman, for a term of 4 years. Their successors shall be appointed for terms of 3 years each, and until their successors are appointed and qualified, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whose office has become vacant.

The members of the commission, other than the chairman, shall be compensated at the rate of \$100.00 for each 6 hour day spent in attendance at meetings and consultations and shall be reimbursed for necessary expenses in connection with the discharge of their duties except that no commission member who receives a salary or other form of compensation as a representative of any employer or employee group, organization or association, shall be compensated by the commission for any deliberations directly involving members of said employer or employee group, organization or association. Compensation for more, or less than, 6 hours per day, shall be prorated in proportion to the time involved.

The chairman of the commission shall be its chief executive officer and administrator, shall devote his full time to the performance of his duties as chairman of the Public Employment Relations Commission and shall receive such compensation as shall be provided by law.

The term of the member of the commission who is designated as chairman on the date of enactment of this act shall expire on the effective date of this act.

4. Section 7 of P. L. 1968, c. 303 (C. 34:13A-5.3) is amended to read as follows:

C. 34:13A-5.3 Employee organizations; right to form or join; collective negotiations.

7. Except as hereinafter provided, public employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee

organization or to refrain from any such activity; provided, however, that this right shall not extend to elected officials, members of boards and commissions, managerial executives, or confidential employees, except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent, nor, except where established practice, prior agreement or special circumstances, dictate the contrary, shall any supervisor having the power to hire, discharge, discipline, or to effectively recommend the same, have the right to be represented in collective negotiations by an employee organization that admits nonsupervisory personnel to membership, and the fact that any organization has such supervisory employees as members shall not deny the right of that organization to represent the appropriate unit in collective negotiations; and provided further, that, except where established practice, prior agreement, or special circumstances dictate the contrary, no policeman shall have the right to join an employee organization that admits employees other than policemen to membership. The negotiating unit shall be defined with due regard for the community of interest among the employees concerned, but the commission shall not intervene in matters of recognition and unit definition except in the event of a dispute.

Representatives designated or selected by public employees for the purposes of collective negotiation by the majority of the employees in a unit appropriate for such purposes or by the majority of the employees voting in an election conducted by the commission as authorized by this act shall be the exclusive representatives for collective negotiation concerning the terms and conditions of employment of the employees in such unit. Nothing herein shall be construed to prevent any official from meeting with an employee organization for the purpose of hearing the views and requests of its members in such unit so long as (a) the majority representative is informed of the meeting; (b) any changes or modifications in terms and conditions of employment are made only through negotiation with the majority representative; and (c) a minority organization shall not present or process grievances. Nothing herein shall be construed to deny to any individual employee his rights under Civil Service laws or regulations. When no majority representative has been selected as the bargaining agent for the unit of which an individual employee is a part, he may present his own grievance either personally or through an appropriate representative or an organization of which he is a member and have such grievance adjusted.

A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interest of all such employees without discrimination and without regard to employee organization membership. Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment.

When an agreement is reached on the terms and conditions of employment, it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.

Public employers shall negotiate written policies setting forth grievance procedures by means of which their employees or representatives of employees may appeal the interpretation, application or violation of policies, agreements, and administrative decisions affecting them, provided that such grievance procedures shall be included in any agreement entered into between the public employer and the representative organization. Such grievance procedures may provide for binding arbitration as a means for resolving disputes. Notwithstanding any procedures for the resolution of disputes, controversies or grievances established by any other statute, grievance procedures established by agreement between the public employer and the representative organization shall be utilized for any dispute covered by the terms of such agreement.

5. Section 6 of P. L. 1941, c. 100 (C. 34:13A-6) is amended to read as follows:

C. 34:13A-6 Powers and duties.

6. (a) Upon its own motion, in an existing, imminent or threatened labor dispute in private employment, the board, through the Division of Private Employment Dispute Settlement, may, and, upon the request of the parties or either party to the dispute, must take such steps as it may deem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated or culminated in or threaten to precipitate or culminate in such labor dispute.

(b) Whenever negotiations between a public employer and an

exclusive representative concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse. In the event of a failure to resolve the impasse by mediation the Division of Public Employment Relations is empowered to recommend or invoke fact-finding with recommendation for settlement, the cost of which shall be borne by the commission.

(c) The board in private employment, through the Division of Private Employment Dispute Settlement, and the commission in public employment, through the Division of Public Employment Relations, shall take the following steps to avoid or terminate labor disputes: (1) to arrange for, hold, adjourn or reconvene a conference or conferences between the disputants or one or more of their representatives or any of them; (2) to invite the disputants or their representatives or any of them to attend such conference and submit, either orally or in writing, the grievances of and differences between the disputants; (3) to discuss such grievances and differences with the disputants and their representatives; and (4) to assist in negotiating and drafting agreements for the adjustment in settlement of such grievances and differences and for the termination or avoidance, as the case may be, of the existing or threatened labor dispute.

(d) The commission, through the Division of Public Employment Relations, is hereby empowered to resolve questions concerning representation of public employees by conducting a secret ballot election or utilizing any other appropriate and suitable method designed to ascertain the free choice of the employees. The division shall decide in each instance which unit of employees is appropriate for collective negotiation, provided that, except where dictated by established practice, prior agreement, or special circumstances, no unit shall be appropriate which includes (1) both supervisors and nonsupervisors, (2) both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit or, (3) both craft and noncraft employees unless a majority of such craft employees vote for inclusion in such unit. All of the powers and duties conferred or imposed upon the division that are necessary for the administration of this subdivision, and not inconsistent with it, are to that extent hereby made applicable. Should formal hearings be required, in the opinion of said division to determine the appropriate unit, it shall

have the power to issue subpoenas as described below, and shall determine the rules and regulations for the conduct of such hearing or hearings.

(e) For the purposes of this section the Division of Public Employment Relations shall have the authority and power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony or deposition of any person under oath, and in connection therewith, to issue subpoenas duces tecum, and to require the production and examination of any governmental or other books or papers relating to any matter described above.

(f) In carrying out any of its work under this act, the board may designate one of its members, or an officer of the board to act in its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all the powers hereby conferred upon the board in connection with the discharge of the duty or duties so delegated. In carrying out any of its work under this act, the commission may designate one of its members or an officer of the commission to act on its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all of the powers hereby conferred upon the commission in connection with the discharge of the duty or duties so delegated.

(g) The board and commission may also appoint and designate other persons or groups of persons to act for and on its behalf and may delegate to such persons or groups of persons any and all of the powers conferred upon it by this act so far as it is reasonably necessary to effectuate the purposes of this act. Such persons shall serve without compensation but shall be reimbursed for any necessary expenses.

(h) The personnel of the Division of Public Employment Relations shall include only individuals familiar with the field of public employee-management relations. The commission's determination that a person is familiar in this field shall not be reviewable by any other body.

6. Section 10 of P. L. 1968, c. 303 (C. 34:13A-8.1) is amended to read as follows:

C. 34:13A-8.1 Effect of act upon prior agreements.

10. Nothing in this act shall be construed to annul or modify, or to preclude the continuation of any agreement during its current term heretofore entered into between any public employer and any employee organization, nor shall any provision hereof annul or modify any pension statute or statutes of this State.

7. Section 12 of P. L. 1968, c. 303 (C. 34:13A-8.3) is amended to read as follows:

C. 34:13A-8.3 Development and maintenance of programs.

12. The commission in conjunction with the Institute of Management and Labor of Rutgers, The State University, shall develop and maintain a program for the guidance of public employees and public employers in employee-management relations, to provide technical advice to public employees and public employers on employee-management programs, to assist in the development of programs for training employee and management personnel in the principles and procedures of consultation, negotiation and the settlement of disputes in the public service, and for the training of employee and management officials in the discharge of their employee-management relations responsibilities in the public interest.

8. For the purpose of carrying out the amendatory and supplementary provisions of this act there is hereby appropriated for the use of the commission for the fiscal year ending June 30, 1974, the additional sum of \$25,000.00.

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

Approved October 21, 1974.

CHAPTER 124

AN ACT creating a commission to study and analyze the "New Jersey Employer-Employee Relations Act," approved April 30, 1941 (P. L. 1941, c. 100) as said short title was amended by P. L. 1968, c. 303 (C. 34:13A-1 et seq.) with the aim of insuring that statute's effectiveness in encouraging the impartial, timely, and effective resolution of negotiating impasses in the public sector and making an appropriation therefor.

WHEREAS, The "New Jersey Employer-Employee Relations Act" was enacted to promote public employer-employee relations through the prevention or prompt settlement of labor disputes; and

WHEREAS, The persistence of unresolved employment impasses, work stoppages, lockouts and strikes are unduly costly and detrimental to the general welfare of the citizens of this State; and

WHEREAS, There have been major changes in thinking within the public sector leading to significant developments in the laws of other states for the conclusive and equitable resolution of labor dispute impasses; and

WHEREAS, Recent decisions of the New Jersey Supreme Court have been compelled to interpret vague and imprecise parts of present law, which vagueness has generated excessive litigation; and

WHEREAS, After more than 5 years of implementation throughout this State, it is fitting that this statute which was enacted with bipartisan support be studied and analyzed by a bipartisan commission containing both executive and legislative appointees, to insure that prompt settlement of public employment disputes be fulfilled in the mid-1970's in the most expeditious and efficient manner; and, if any changes are necessary, that they be aimed at making the statute a more effective tool for the prevention or expeditious settlement of labor disputes in the public sector; now, therefore

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

1. There is hereby created a commission to be known as the Public Employer-Employee Relations Study Commission consisting of four members of the Senate to be appointed by the President thereof, four members of the General Assembly to be appointed by the Speaker thereof, and four citizens of this State to be appointed by the Governor. No more than two of any group of four members 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.

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 the commission to study and analyze the "New Jersey Employer-Employee Relations Act," as said short title was amended by P. L. 1968, c. 303 (C. 34:13A-1 et seq.), and the implementation of said law since 1968, with the aim of insuring that the purposes of such legislation concerning the prevention or prompt settlement of labor disputes purposes thereof are fulfilled in the most expeditious and efficient manner, and, if any changes

are necessary, to insure that they be aimed at making that statute a more effective tool in encouraging the impartial, timely and effective resolution of negotiating impasses in the public sector.

In addition to considering any proposed changes in the "New Jersey Employer-Employee Relations Act," which it deems relevant to its study and analysis, the commission shall address itself, among others, to the following questions:

a. Whether or not that statute should be altered to provide for alternative methods of resolving all forms of disputes in public employment, based on an examination and analysis of nationwide trends and experience, to determine whether any such methods shall be permitted to supersede the provisions of Education Law (Title 18A) or civil service requirements;

b. Whether or not that statute should be altered to establish guidelines for the timing of negotiations with due regard for budgetary determinations and taxation programs;

c. Whether or not it is necessary and desirable either to define the phrase "terms and conditions of employment" as used in section 7 of the 1968 act (C. 34:13A-5.3) and, in so doing, specify what subjects are mandatory, voluntary, or illegal within the scope of bargaining or of grievance arbitration, or to require that procedural guidelines be established for determining same;

d. Whether or not the existing structure of the New Jersey Public Employment Relations Commission is appropriate to fulfill the purposes of the 1968 act;

e. Whether or not various classes of public employees, either associated with transit authorities, public safety agencies, school systems, or other functionally distinct enterprises, should be granted differentiated rights based on their "essentiality."

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, within 180 days after its creation,

accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. There is hereby appropriated to the commission from the General State Fund \$25,000.00 for the purposes and duties of the commission pursuant to this act. The commission is authorized to apply for and to receive any Federal funds or grants or any grants from foundations or other sources that may be available for carrying out the purposes of this act.

7. This act shall take effect immediately.

Approved October 21, 1974.

CHAPTER 125

AN ACT to authorize the city of Wildwood in the county of Cape May to make permanent the appointment of Kenneth W. Langford to the police department of the city of Wildwood.

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 Wildwood, in the county of Cape May is authorized to make permanent the appointment of Kenneth W. Langford to the police department of the city of Wildwood 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 Wildwood for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 126

AN ACT to authorize the township of Warren in the county of Somerset to make permanent the appointment of William Kreilick to the police department of the township of Warren.

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 Warren, in the county of Somerset, is authorized to make permanent the appointment of William Kreilick to the police department of the township of Warren 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 Warren for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 127

AN ACT to authorize the borough of Stanhope in the county of Sussex to make permanent the appointment of Patrick Hough to the police department of the borough of Stanhope.

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

Private act.

1. The borough of Stanhope in the county of Sussex is authorized to make permanent the appointment of Patrick Hough to the police department of the borough of Stanhope notwithstanding his inability to pass the "chin up" 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 an ordinance of the borough of Stanhope for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 128

AN ACT to authorize the borough of Woodbine in the county of Cape May to make permanent the appointment of Roland Alexenberg 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 Roland Alexenberg 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. 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 Woodbine for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 129

AN ACT to authorize the borough of Lavallette, in the county of Ocean, to make permanent the appointment of Joseph Baccello to the police department of the borough of Lavallette.

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 Lavallette, in the county of Ocean, is authorized to make permanent the appointment of Joseph Baccello to the police department of the borough of Lavallette, 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. This act shall take effect upon due adoption of an ordinance of the borough of Lavallette for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 130

AN ACT to authorize the borough of Fairview in the county of Bergen to make permanent the appointment of Robert Fagliarone to the police department of the borough of Fairview.

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 Fairview, in the county of Bergen is authorized to make permanent the appointment of Robert Fagliarone to the police department of the borough of Fairview 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 borough of Fairview for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 131

AN ACT to authorize the city of Wildwood, in the county of Cape May, to make permanent the appointment of William E. Neill to its fire department.

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 Wildwood, in the county of Cape May, is authorized to make permanent the appointment of William E. Neill to the fire department of the city of Wildwood notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-127 and further that he has a physical handicap in the loss of two fingers.

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 fireman, 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 Wildwood for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 132

AN ACT to authorize the city of Orange in the county of Essex to make permanent the appointment of Richard P. O'Malley to the police department of the city of Orange.

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 Orange, in the county of Essex is authorized to make permanent the appointment of Richard P.

O'Malley to the police department of the city of Orange 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 Orange for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 133

AN ACT to authorize the township of Marlboro, in the county of Monmouth to make permanent the appointment of Kenneth Miller to the police department of the township of Marlboro.

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

Private act.

1. The township of Marlboro in the county of Monmouth is authorized to make permanent the appointment of Kenneth Miller to the police department of the township of Marlboro notwithstanding that he is unable to perform the minimum number of squat jumps and chin ups or broad jump the minimum distance 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 Marlboro for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 134

AN ACT to authorize the township of Marlboro in the county of Monmouth to make permanent the appointment of George Landau to the police department of the township of Marlboro.

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 Marlboro, in the county of Monmouth is authorized to make permanent the appointment of George Landau to the police department of the township of Marlboro 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 Marlboro for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 135

AN ACT to authorize the township of North Bergen in the county of Hudson to make permanent the appointment of Frank A. Pinto and Frank J. Pinto to the police department of the township of North Bergen.

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 North Bergen, in the county of Hudson is authorized to make permanent the

appointment of Frank A. Pinto and Frank J. Pinto to the police department of the township of North Bergen 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 township of North Bergen for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 136

AN ACT to authorize the township of Lawrence in the county of Mercer to make permanent the appointment of Thomas J. Smires to the fire department of the township of Lawrence.

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 Lawrence, in the county of Mercer is authorized to make permanent the appointment of Thomas J. Smires to the fire department of the township of Lawrence notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14-12, 42, or 44.

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 fireman, 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 Lawrence for the purpose of adopting same.

Approved October 23, 1974.

CHAPTER 137

AN ACT to amend and supplement 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 5 of P. L. 1963, c. 144 (C. 17:12B-5) is amended to read as follows:

C. 17:12B-5 Definitions:

5. Definitions. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meaning:

(1) "State association" shall mean any savings and loan association, building and loan association, or any corporation, however named, now or hereafter operating pursuant to the provisions of this act.

(2) "Federal association" shall mean a savings and loan association organized pursuant to an Act of Congress approved June 30, 1933, entitled "Home Owners' Loan Act of 1933" or any subsequent Act of Congress.

(3) "Association" shall mean both a State association and a Federal association having its principal office in this State.

(4) "Insured association" shall mean an association whose savings members' accounts or savings deposits are insured by the Federal Savings and Loan Insurance Corporation.

(5) "Board" shall mean the board of directors of any association.

(6) "Commissioner" shall mean the Commissioner of Banking of the State of New Jersey, or such other official as may hereafter be charged by State law with the supervision of State associations.

(7) "Member" shall mean a person who holds an account or a savings deposit in a mutual association as a savings member or as a borrowing member.

(8) "Savings member" shall mean a member who holds an account or a savings deposit representing savings in an association.

(9) "Borrowing member" shall mean a member to whom money of the association is loaned or one who is the owner of property upon which the association holds a mortgage.

(10) "Account" shall mean the record of the financial transactions of a member or depositor as shown on the books of the association.

(11) "Direct reduction loan" shall mean a loan the principal of which is repayable in periodical installments.

(12) "Sinking fund loan" shall mean a loan, the principal of which is contracted to be repaid with the participation value of an installment account pledged as collateral security for the payment of the loan.

(13) "Straight mortgage loan" shall mean a loan, the principal of which is repayable upon a fixed day and upon which no interim amortization is required.

(14) "Account loan" shall mean a loan secured by the pledge of an account and the shares, if any, issued in connection therewith.

(15) "Capital" of a mutual State association shall mean the aggregate participation value of all savings members' accounts. It shall not be limited and shall be accumulated only by payments by savings members, plus dividends credited to their accounts.

(16) "Participation value" of an account shall mean the amount paid by a savings member on such account, plus dividends or interest credited thereto, less payments of withdrawals and retirements therefrom and any other amounts lawfully deductible therefrom.

(17) "Withdrawal value" of an account shall mean the participation value of such an account, at the time application for withdrawal of the account is filed, less such part, if any, of the dividends or interest then credited to such account as the association is authorized to retain upon withdrawal.

(18) "Gross income" shall have the meaning ascribed to it in section 6 of this act.

(19) "Net income" shall have the meaning ascribed to it in section 7 of this act.

(20) "Federal Savings and Loan Insurance Corporation" shall mean the corporation so named, organized pursuant to an Act of Congress, or any Federal corporation, instrumentality or agency which succeeds to the powers and functions of the Federal Savings and Loan Insurance Corporation or undertakes to discharge the purposes for which said corporation was created.

(21) "Federal Home Loan Bank Board" shall mean the board so named, organized pursuant to an Act of Congress, or any

Federal corporation, instrumentality or agency which succeeds to the powers and functions of the Federal Home Loan Bank Board, or which is formed to carry out the purposes for which such board was created.

(22) "Change in the bylaws" includes new bylaws and revisions, amendments, supplements and repealers of existing bylaws.

(23) "Principal office," "branch office" and "auxiliary office" shall have the meanings ascribed to them in section 8 of this act.

(24) "Agency" shall have the meaning ascribed to it in section 9 of this act.

(25) "Per capita assets" shall have the meaning ascribed to it in section 10 of this act.

(26) "Population." Where in this act the population of a municipality, a county, or the State is mentioned, the population figure shall be the last current population estimate as furnished to the commissioner by any official agency of the State or Federal Government.

(27) "Municipality." The word municipality shall include cities, towns, townships, villages and boroughs.

(28) "First lien" shall have the meaning ascribed to it in section 11 of this act.

(29) "Foreign association" shall mean any association or corporation conducting the business of a savings and loan association, however designated, not incorporated under the provisions of this act, except a Federal association.

(30) "Department" shall mean the Department of Banking of New Jersey.

(31) "Mutual association" shall mean any State association organized pursuant to the provisions of this act without capital stock.

(32) "Capital stock association" shall have the meaning ascribed to it in section 15 of this amendatory and supplementary act.

(33) "Capital stock" shall have the meaning ascribed to it in section 15 of this amendatory and supplementary act.

(34) "Stockholder" shall have the meaning ascribed to it in section 15 of this amendatory and supplementary act.

2. Section 12 of P. L. 1963, c. 144 (C. 17:12B-12) is amended to read as follows:

C. 17:12B-12 Purposes.

12. Purposes. The purposes of associations operating under the provisions of this act shall be promoting thrift, home ownership and housing or otherwise investing funds in accordance with the provisions of this act.

3. Section 14 of P. L. 1963, c. 144 (C. 17:12B-14) is amended to read as follows:

C. 17:12B-14 Contents of certificate of incorporation of a mutual association.

14. Contents of certificate of incorporation of a mutual association. The incorporators shall personally sign a certificate of incorporation, which shall state:

(1) The name of the State association, which shall contain the words "savings and loan association." The name shall not be one already in use by another association in this State, nor one so similar thereto as to deceive the public or lead to uncertainty or confusion and this provision shall be subject to any law restricting or prohibiting the use of the word "bank" or "banker" or "banking"; provided, however, that any association organized under this act may make representations describing its powers, services or functions provided for in this act.

(2) The street, street number, if any, and the municipality in this State in which the State association is to be located.

(3) That it is incorporated to operate as a mutual association pursuant to this act for the purposes herein stated.

(4) The name, residence (including street and number, if any) post-office address and occupation of each incorporator.

(5) The amount which each incorporator agrees to subscribe for and pay into the guaranty account of the State association.

4. Section 18 of P. L. 1963, c. 144 (C. 17:12B-18) is amended to read as follows:

C. 17:12B-18 Guaranty account.

18. Guaranty account. In the case of an application for the incorporation of a mutual association, and as a condition precedent to the approval of any such application, the incorporators shall execute an agreement to subscribe to, and upon the commencement of business pay into, an account of the State association to be known as the "guaranty account" the aggregate sum of \$50,000.00 in accordance with such terms as shall be approved by the commissioner. Such guaranty account shall be subordinate to the accounts of saving members. It shall be used as a guaranty against the im-

pairment of the capital of the State association and to the extent that it may be necessary for that purpose, losses and expenses of the State association shall be charged to it. The account shall not be released to the owners thereof, in less than 3 years from the date upon which payment was made into the account. If, thereafter, the commissioner finds that the reserves established to absorb losses and the undivided profits account of the State association plus the amount remaining in the guaranty account exceeds \$50,000.00, or an amount equal to 5% of the capital of the State association, whichever is greater, he shall permit the excess to be released to the owners thereof, as hereinafter provided, proportionate to their respective interests in said guaranty account.

The amount paid in by each subscriber to the guaranty account, shall be recorded on the books of the State association in his name, and shall be evidenced by a certificate in a form approved by the commissioner. The amount standing to the credit of any person in such account, may be transferred to another person subject to the conditions of the account. Dividends may be declared upon the amounts standing to the credit of each owner of a proportionate interest in such account in accordance with the terms of the aforementioned agreement, but not in excess of the maximum rate of dividends declared to savings accounts in the State association for the same period. Each owner of a proportionate interest in such guaranty account shall have the same voting rights, restrictions and limitations as set forth in the bylaws of the association in accordance with section 126 of this act, at any annual or special meeting of the mutual association. Upon release, the amount released shall be transferred to a savings account in the State association, in the name of the owner, who shall thereupon be entitled to all of the rights and privileges and shall be subject to all of the duties and liabilities of membership.

5. Section 20 of P. L. 1963, c. 144 (C. 17:12B-20) is amended to read as follows:

C. 17:12B-20 Commissioner's findings as to mutual association application.

20. Commissioner's findings as to mutual association application.

If the commissioner shall find that:

- (a) the establishment of such State association is in the public interest; and
- (b) will be of benefit to the area proposed to be served; and
- (c) may be established without undue injury to any other association in the area in which it is proposed to locate such State association; and

(d) the State association will have a reasonable prospect of success; and

(e) the character, responsibility and general fitness of the incorporators are such as to command confidence and warrant belief that the business of the State association will be honestly and efficiently conducted; and

(f) the agreement with respect to the guaranty account has been executed in accordance with law, and that compliance therewith is guaranteed to his satisfaction; and

(g) the name proposed for the State association conforms with the requirements of this act and that the proposed bylaws are proper; and

(h) the State association has filed proofs as to the mailing of notice and publication required by the act, he shall approve such application and issue a certificate of approval which shall be endorsed upon or annexed to such certificate of incorporation.

6. Section 25 of P. L. 1963, c. 144 (C. 17:12B-25) is amended to read as follows:

C. 17:12B-25 Mutual associations; capital stock associations.

25. A. Mutual associations.

(1) Any mutual association may make written application to the commissioner for authority to operate one section 25 branch office when the total of its reserve accounts, established under the provisions of section 128 of this act, and undivided profits are at least equal to 4% of its capital or \$100,000.00, whichever is less.

(2) Any mutual association operating one or more section 25 or 27 branch offices, may apply to the commissioner for authority to operate additional section 25 branch offices, when the total of its reserve accounts, established under the provisions of section 128 of this act, and undivided profits are at least equal to 4% of its capital, plus an amount equal to \$50,000.00 for each existing section 25 branch office the association is operating at the date of its application.

If an applying mutual association's reserves and undivided profits do not equal or exceed the amounts for reserves and undivided profits hereinabove set forth, the mutual association may nevertheless make such application, provided the mutual association agrees to establish a "guaranty account," under the same conditions as set forth in section 18 except as modified by the following:

(a) The amount of such guaranty account shall equal the

difference between the reserves and undivided profits the applying mutual association requires under the provisions of subsection 2 of this section, and the amount of reserves and undivided profits held by the applying mutual association at the date of such application.

(b) A separate guaranty account may be established for each section 25 branch office applied for.

(c) The agreement for the guaranty account shall contain a provision providing for its release to the owners thereof at such time as the reserves, established under section 128 of this act, and undivided profits of the mutual association are equal to 4% of capital, plus \$50,000.00 for each section 25 branch office in operation; or at such earlier time as the commissioner may upon application of the association approve, irrespective of the provisions of section 18. Upon release, the amount released shall be transferred to a savings account in the mutual association, in the name of the owner. In the event a mutual association simultaneously applies for authority to operate more than one section 25 branch office, or other applications for section 25 branch offices are pending by such association, the mutual association must comply with the reserve and undivided profits or guaranty account requirements as hereinabove set forth for each section 25 branch office applied for in excess of the first application.

B. Capital stock associations.

(1) Any capital stock association may make written application to the commissioner for authority to operate one section 25 branch office when the total of its reserve accounts, required or permitted under the provisions of this act, its stated capital, capital surplus, and earned surplus are at least equal to 4% of its depositors' accounts, or \$100,000.00; whichever is less.

(2) Any capital stock association operating one or more section 25 or 27 branch offices, may apply to the commissioner for authority to operate additional section 25 branch offices when the total of its reserve accounts, required or permitted under the provisions of this act, its stated capital, capital surplus, and earned surplus are at least equal to 4% of its depositors' accounts, plus the sum of \$50,000.00 for each existing section 25 branch office said association is operating at the time of its application.

7. Section 62 of P. L. 1963, c. 144 (C. 17:12B-62) is amended to read as follows:

C. 17:12B-62 Directors, number, powers.

62. Directors, number, powers. The business and affairs of every State association shall be managed and directed by a board of directors. The board shall consist of such number as the bylaws provide, but not less than six. Each director shall be a citizen of the United States and shall be either a member of the mutual association or a stockholder of the capital stock association, as the case may be. He shall have such other qualifications and meet such eligibility requirements, as this act and the bylaws provide. The board may exercise any and all powers of a State association not expressly reserved to the members of the mutual association or the stockholders of the capital stock association by the provisions of this act and the bylaws. All checks, notes and drafts of the State association shall be executed in a manner and form determined by resolution of the board of the State association. If the bylaws so provide, the board may delegate any of its powers to any committee composed of members of the board.

8. Section 63 of P. L. 1963, c. 144 (C. 17:12B-63) is amended to read as follows:

C. 17:12B-63 Directors' election, vacancies.

63. Directors' election, vacancies. The directors shall be elected by the members of a mutual association or the stockholders of a capital stock association, as the case may be, by ballot at the annual meeting, for such term, not exceeding 3 years, as the bylaws provide. Where the term is more than 1 year, the bylaws shall establish terms of office so that an equal number of directors, so far as possible, shall be elected each year. A vacancy in the board may be filled by the board until the next annual meeting of the association, when it shall be filled by the members or stockholders of the association for the remainder of the unexpired term. Each director shall hold office for the term for which he is elected and until his successor shall be chosen and qualified.

9. Section 65 of P. L. 1963, c. 144 (C. 17:12B-65) is amended to read as follows:

C. 17:12B-65 Officers.

65. Officers. The officers of every State association shall be a president, one or more vice presidents, a secretary and a treasurer and may include a chairman of the board if the bylaws so provide, together with such other officers as provided by the bylaws or as determined by the board to be necessary for the conduct of the State association's business. All officers shall be savings members

or savings depositors, as the case may be, of the State association. They shall be elected by the board unless the bylaws provide for their election by the members or stockholders of the State association. Each officer shall be elected for a term of not more than 1 year, but shall continue in office until the election and qualification of his successor. Any two offices, except the offices of president and vice president, may be held by one person. No officer shall act as attorney or conveyancer of his State association. A vacancy in any office may be filled by the board for the unexpired term. The board may appoint or employ or authorize any officer to appoint or employ assistant officers or assistants to officers subject to the confirmation of the board; provided, however, that assistants to officers shall not be considered as officers, but as employees.

10. Section 67 of P. L. 1963, c. 144 (C. 17:12B-67) is amended to read as follows:

C. 17:12B-67 Oath of office of directors and officers.

67. Oath of office of directors and officers. Each officer and director shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation of office:

OATH OR AFFIRMATION OF OFFICE

State of New Jersey

County of

ss.:

..... of full age, being duly sworn on his oath or affirmation according to law, deposes and says:

1. I reside at; am a member or stockholder and/or depositor, as the case may be, of the association; hereby accept the office of, to which I have been elected or appointed; will diligently and honestly administer the affairs of said association within the scope of my powers and duties; and not knowingly violate, or permit to be violated, the provisions of the Savings and Loan Act (1963), and the association's bylaws.

Subscribed and sworn to or affirmed before me this day of, 19.....

All oaths or affirmations of office shall be filed with the secretary. If any officer or director shall fail within a reasonable time after his election to take and subscribe the oath or affirmation required by this section, the board may declare his office vacant. If any officer or director shall violate the provisions of his oath, or affirmation of the board, after affording him an opportunity to be heard, may

declare his office vacant by a vote of two-thirds of the directors present at any meeting of the board, of which meeting notice shall have been given to each director.

11. Section 73 of P. L. 1963, c. 144 (C. 17:12B-73) is amended to read as follows:

C. 17:12B-73 Bonds required; indemnification of officers, directors and employees.

73. A. Bonds required. The board shall require the secretary, treasurer, attorney, conveyancer and every other officer, director, employee, or agent handling or having the custody or charge of money, securities, books or records belonging to the association, before entering upon his duties, to be bonded in adequate amount and with good and sufficient surety, which shall be a surety company authorized to transact business in this State, and such bonds shall be approved by the board. The board shall examine annually all the bonds and pass on their sufficiency, and, if insufficient, immediately require new or additional bonds. The failure of any person to furnish, or qualify for, such bond shall be ground for his summary removal by the board. The commissioner may at any time order the bond of any such person to be increased. In lieu of such individual bonds, the board may procure a blanket bond providing the same protection to the association. The association may pay the premiums on any and all such bonds. No bond shall be deemed to comply with the requirements of this section unless such bond contains a provision that it shall not be cancelable for any cause unless notice of intention to cancel is filed in the Department of Banking at least 5 days before the day upon which cancellation shall take effect.

B. Indemnification of officers, directors and employees. Any person shall be indemnified or reimbursed by the association for reasonable expenses, including, but not limited to, attorney fees, actually incurred by him in connection with any action, suit or proceeding, instituted or threatened, judicial or administrative, civil or criminal, to which he is made a party by reason of his being or having been a director, officer or employee of an association; provided, however, that no person shall be so indemnified or reimbursed, nor shall he retain any advancement or allowance for indemnification which may have been made by the association in advance of final disposition in relation to such action, suit or proceeding in which, and to the extent that, he finally shall be adjudicated to have been guilty of a breach of good faith, to have been

negligent in the performance of his duties or to have committed an action or failed to perform a duty for which there is a common law or statutory liability; and, provided further, that a person may, with the approval of the commissioner, be so indemnified or reimbursed for:

(1) Amounts paid in compromise or settlement of any action, suit or proceeding, including reasonable expenses incurred in connection therewith; or

(2) Reasonable expenses, including fines and penalties, incurred in connection with a criminal or civil action, suit or proceeding in which such person has been adjudicated guilty, negligent or liable, if it shall be determined by the board of directors and by the commissioner that such person was acting in good faith and in what he believed to be the best interests of the association and without knowledge that the action was illegal, and if such indemnification or reimbursement is approved at an annual or special meeting of the members or stockholders by a majority of the votes eligible to be cast. Amounts paid to the association, whether pursuant to judgment or settlement, by any person within the meaning of this section shall not be indemnified or reimbursed in any case.

12. Section 75 of P. L. 1963, c. 144 (C. 17:12B-75) is amended to read as follows:

C. 17:12B-75 Plans.

75. Each mutual association shall operate upon one of the plans set forth in this section; and the bylaws of each mutual association shall designate under which of said plans it shall operate.

Plan 1. The nonshare plan described in section 76.

Plan 2. The share plan described in section 77.

Plan 3. The plan upon which it was operating on April 4, 1946, providing it has been continually operating on that plan.

Plan 4. Any insured mutual association may, at any time, elect to raise its capital by accepting savings deposits, provided that:

(1) The bylaws of the association so permit; and

(2) Such bylaws shall be approved at a regular or special meeting of the members of the association as provided in sections 114, 115 and 116 of this act.

Holders of savings deposits shall be creditors of the association and shall have equal priority with other ordinary general creditors in the event of the dissolution and liquidation of the association, and the bylaws shall so provide.

Savings members at the time of the adoption of Plan 4 who do not transfer such accounts to savings deposits shall, nevertheless, have equal rights with those who hold savings deposits.

The bylaws shall contain such other provisions as may be required by the commissioner and by the Federal Savings and Loan Insurance Corporation.

Where, under the provisions of this act or of any law of this State, the word "account" is used to describe a savings account in a savings and loan association, it shall be deemed to be inclusive of a "savings deposit."

Any mutual association may, at any time hereafter, change from the plan upon which it shall then be operating to Plan 1 or 2 and may make such change in plan applicable only to those memberships established after such change, continuing, concurrently, to operate upon the plan upon which it previously operated with respect to those memberships established prior to such change.

13. Section 126 of P. L. 1963, c. 144 (C. 17:12B-126) is amended to read as follows:

C. 17:12B-126 Voting rights of members.

126. Voting rights of members. Each member 16 years of age, or over, shall be entitled to vote at any meeting of a mutual association.

Each mutual association shall set forth in its bylaws the voting rights of its members, which shall be in accordance with subsection (a) or subsection (b) of this section:

(a) Each member entitled to vote shall have one vote at any meeting of the mutual association regardless of the number of shares or accounts standing in his name; or

(b) Each savings member entitled to vote shall have one vote for each \$100.00, or fraction thereof, of the participation value of his savings account; each borrowing member entitled to vote under this subsection shall be entitled to have one vote; but in no event shall the maximum number of votes permitted to any member under this subsection be greater than 50 votes regardless of the number or types of shares or accounts or the value of such shares or accounts held by such member.

Under either subsection (a) or subsection (b) of this section members may vote by written proxy if the bylaws so provide and the bylaws may prohibit voting by persons who have become members within 60 days of the date when the vote is cast.

Under either subsection (a) or subsection (b) of this section the trustee or fiduciary of a fiduciary account shall be entitled to cast the vote or votes permitted under said subsections.

Under subsection (a) of this section only one vote shall be allowed in connection with any account held by two or more persons, jointly; under subsection (b) of this section no more than the maximum number of 50 votes, provided for in said subsection shall be allowed in connection with an account held by two or more persons, jointly.

Under subsection (a) or subsection (b) of this section when accounts or shares are pledged, the pledgor may vote thereon.

14. Section 204 of P. L. 1963, c. 144 (C. 17:12B-204) is amended to read as follows:

C. 17:12B-204 Bulk transfers.

204. Bulk transfers.

(1) Bulk transfers authorized. Any State association may with the written approval of the commissioner, transfer, sell, or exchange in bulk and not in the regular and usual course of its business, all or any part of its assets, including its name and good will, to any other association; and accept as consideration therefor, cash, capital stock and accounts or any of them, of the purchasing association upon such terms as may be determined by the vote of a majority of the board of such State association and by a majority of the votes cast by the members or stockholders, as the case may be, of such State association, present in person or by proxy, at any annual meeting or at any special meeting called for that purpose. At least 10 days' notice of any such meeting shall be mailed to each member or stockholder, as the case may be, and shall state the matter to be acted upon. The consideration received for such bulk transfer, sale or exchange shall be applied to the payment of the association's debts and the discharge of its liabilities and the balance thereof shall be distributed to its members or stockholders, as the case may be, pro rata.

(2) Liquidation following bulk transfer. If such bulk transfer, sale or exchange shall include all or substantially all of the assets of a State association, or all or substantially all of its mortgage assets, the State association shall thereupon be dissolved and shall liquidate. The State association shall be managed and directed during liquidation, by its board in accordance with the provisions of section 205 of this act.

(3) Transfer to Federal associations. Any State association may

transfer, sell or exchange in bulk, all or part of its assets to any Federal association having its principal office in this State, by compliance with the provisions of this section and by compliance with applicable Federal law and regulation; provided, however, that this subsection shall only be operative in the event that any Federal association having its principal office in this State may transfer, sell or exchange, all or part of its assets in bulk, to any association of this State, in accordance with Federal law and regulation which is substantially equivalent to the provisions of this section.

(4) Application for establishment of section 27 branch office. Simultaneously with the submission of the written application required by subsection (1) of this section, any State association which is purchasing all or substantially all of the assets of another association may, subject to the conditions and limitations of section 27 of this act, submit its application to the commissioner for the establishment of a section 27 branch office or offices.

ARTICLE XXI. CAPITAL STOCK ASSOCIATIONS

C. 17:12B-244 Definitions applicable to capital stock associations.

15. Definitions applicable to capital stock associations. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meaning:

a. "Capital stock association" shall mean any insured State association organized pursuant to the provisions of this act having for its purposes the encouragement of thrift, home ownership and housing and the accumulation of funds through the issuance and sale of its stock, the acceptance of deposits and such other accounts as may be authorized for mutual associations plus such other purposes as are set forth in section 12 (C. 17:12B-12) of this act and the loaning of funds so accumulated in accordance with the powers conveyed by this act to mutual associations. A capital stock association shall issue a class or classes of stock known as capital stock.

b. "Capital Stock" or shares of capital stock shall mean the units into which the proprietary interests in a capital stock association are divided. A portion of the consideration received for any such capital stock or shares of capital stock shall be set aside and shall represent the fixed and permanent capital of the capital stock association, subordinate to all liabilities, including the aggregate of

depositors' accounts. Capital stock shall have a par value per share or shall be without par value as stated in the certificate of incorporation and approved by the commissioner.

c. "Capital surplus" means the entire surplus of a capital stock association other than its earned surplus.

d. "Earned surplus" means the portion of the surplus that represents the net earnings, gains and profits, after deduction of all losses, that have not been distributed to the stockholders as dividends or transferred to stated capital or capital surplus, or applied to other purposes permitted by law.

e. "Stated capital" means at any particular time the sum of

(1) the par value of all shares of stock of the capital stock association having a par value that have been issued;

(2) the amount of the consideration received by the capital stock association for all shares of stock of the capital stock association without par value that have been issued, except such part of the consideration therefor as may have been allocated to surplus in a manner permitted by law; and

(3) such amounts not included in paragraphs (1) and (2) as have been transferred to stated capital of the capital stock association, whether upon the issuance of shares of stock as a stock dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law.

f. "Surplus" means the total of the reserves of a capital stock association, other than those reserves required to be established by law, and specific and valuation reserves and undivided profits.

g. "Stockholder" shall mean the holder of record of one or more shares of the capital stock of a capital stock association.

h. "Depositor" shall mean a person who holds an account or a savings deposit representing savings in a capital stock association.

C. 17:12B-245 Persons who may incorporate a capital stock association.

16. Persons who may incorporate a capital stock association. Any number of persons, not less than nine, domiciled in this State and citizens of the United States, hereinafter referred to as incorporators, may incorporate a capital stock association for the purposes specified in this act, by complying with the terms, conditions and procedures herein stated.

C. 17:12B-246 Contents of certificate of incorporation of a capital stock association.

17. Contents of certificate of incorporation of a capital stock association. The incorporators shall personally sign a certificate of incorporation which shall state:

a. The name of the State association and the location of its principal place of business, which shall comply with subsection (1) of section 14 (C. 17:12B-14) of this act.

b. That it is incorporated to operate as a capital stock association, pursuant to this act for the purposes herein stated.

c. The name, residence (including street and number, if any), post-office address and occupation of each incorporator.

d. The aggregate number of shares of capital stock which the capital stock association shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; if the shares are divided into classes, or into classes and series, the designation of each class and series, the number of shares of capital stock in each class or series, and a statement of the relative rights, preferences and limitations of the shares of capital stock of each class and series to the extent that such designations, numbers, relative rights, preferences and limitations have been determined; if the shares of capital stock are or are to be, divided into classes, or into classes or series, a statement of any authority vested in the board to divide the shares into classes or series or both, and to determine or change for any class or series its designation, number of shares, relative rights, preferences and limitations.

e. The number of directors constituting the first board to serve until the first annual meeting of the association and the names and addresses of the persons who are to serve as such directors.

f. The number of shares subscribed for by each incorporator and the total amount of capital stock subscribed for as of the date of the certificate of incorporation.

C. 17:12B-247 Filing of certificate of incorporation of capital stock association.

18. Filing of certificate of incorporation of capital stock association. The certificate of incorporation shall be filed in accordance with the provisions of sections 16 (C. 17:12B-16) and 17 (C. 17:12B-17) of this act.

C. 17:12B-248 Capital stock and surplus.

19. Capital stock and surplus. In the case of an application for the incorporation of a capital stock association, the proceeds from the sale of the capital stock having par value shall be set apart to the extent of the par value and shall be maintained as the stated capital of the association. The proceeds from the sale of capital stock without par value shall be set apart to the extent provided in the certificate of incorporation as approved by the commissioner

and shall be maintained as the stated capital of the association. No loan shall be made by a capital stock association secured in any manner by its stock.

The commissioner shall determine the minimum amount to be set apart from the proceeds of stock to be subscribed and maintained as the stated capital of the capital stock association, with provision made for full payment therefor in cash. In addition, a capital surplus account shall be established for such association in an amount satisfactory to the commissioner, provided, however, that in no event shall the aggregate of stated capital and capital surplus be less than \$500,000.00. Such stated capital and capital surplus shall not be available for dividends or other distributions to stockholders, except upon prior written authorization of the commissioner or in the event of dissolution and final liquidation, provided, however, that the board of such association, by appropriate action, may apply all or any part of capital surplus to the reduction or write-off of any deficit arising from losses or diminution in value of its assets, or may transfer to or designate as part of the accounts authorized or required by paragraphs (a), (b) and (c) of section 128 (C. 17:12B-128) of this act, all or any part of any capital surplus.

All shares of capital stock shall be transferable by the holders thereof in accordance with the bylaws of such association.

C. 17:12B-249 Commissioner's findings as to a capital stock association.

20. Commissioner's findings as to a capital stock association. If the commissioner shall find that:

- a. The establishment of such capital stock association is in the public interest;
- b. Will be of benefit to the area proposed to be served;
- c. May be established without undue injury to any other association in the area in which it is proposed to locate such capital stock association;
- d. The capital stock association will have a reasonable prospect of success;
- e. The character, responsibility and general fitness of the incorporators are such as to command confidence and warrant belief that the business of the capital stock association will be honestly and efficiently conducted;
- f. The name proposed for the capital stock association conforms with the requirements of the act and that the proposed bylaws are proper;

g. The capital stock association has filed proofs as to the mailing of notice and publication required by the act; and

h. The provisions of section 19 of this amendatory and supplementary act dealing with capital stock and capital surplus requirements have been complied with to his satisfaction, and it is qualified as a member of the Federal Savings and Loan Insurance Corporation;

he shall approve such application and issue a certificate of approval which shall be endorsed upon or annexed to such certificate of incorporation.

C. 17:12B-250 Specific powers of capital stock associations.

21. Specific powers of capital stock associations. The powers contained in section 47 (C. 17:12B-47), section 48 (C. 17:12B-48) and section 130 (C. 17:12B-130) of this act shall be available to capital stock associations (but the term "member" as used therein shall be deemed to refer to "depositor" or "borrower," and the term "dividends" shall be deemed to refer to "interest" as may be appropriate in the context), and in addition every capital stock association shall have the power to:

a. Amend its certificate of incorporation in the following manner:

(1) The board shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the stockholders.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each stockholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of stockholders.

(3) At such meeting a vote of the stockholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes cast in person or by proxy by the stockholders.

(4) No amendment shall become effective until it shall have been submitted to the commissioner and he shall either have approved it in writing or failed to take action thereon for a period of 30 days after it shall have been submitted to him. Approval shall not be withheld by the commissioner unless an amendment is in conflict with the provisions of this act.

b. Subject to amendment of its certificate of incorporation, authorize issuance of additional capital stock for:

New Jersey State Library

(1) Payment of a consideration other than cash in connection with mergers with or purchase of assets of another association.

(2) The purpose of increasing the amount of its stated capital by sale of such additional capital stock.

(3) Capital stock options, the aggregate of which shall not exceed 10% of the amount of authorized capital stock at the time of the granting of such options and the establishment of one or more capital stock purchase plans for officers and employees of the capital stock association, which plan or plans may include provisions for partial contribution by the association.

c. Declare and distribute stock dividends without the necessity of an amendment to its certificate of incorporation, notwithstanding that the payment of such dividends will effect an increase in the capital stock of the capital stock association. In such a case, dividends may be paid from time to time on the stock of the capital stock association, at the discretion of the board, provided that prior to the date of the payment of any such dividend, a certificate shall be filed with the commissioner, stating:

(1) The date upon which the dividend is to be paid;

(2) The amount of such dividend; and

(3) The amount of the capital stock and the paid-in or contributed surplus of the capital stock association after giving effect to the payment of such dividend.

If the commissioner finds that the payment of the stock dividend is not contrary to law, he shall endorse his approval upon the certificate and shall file it in the department. A certificate filed in the department pursuant to this subsection shall be deemed for all purposes to be an amendment to the certificate of incorporation of the capital stock association with the same effect as if it had been authorized, executed, approved and filed in the department pursuant to subsection a. of this section.

A split-up or division of the issued shares of any class or series into a greater number of shares of the same class or series without increasing the amount of a capital stock association's stated capital shall not be construed to be a stock dividend within the meaning of this subsection and may be accomplished by amendment of the certificate of incorporation as provided in this act.

d. Fix a record date for the purpose of determining the stockholders entitled to notice of, or to vote, at any meetings of stockholders or any adjournment thereof, or to express consent to, or

dissent from, any proposal without a meeting, or for the purpose of determining stockholders entitled to receive payment of any dividend or electment of any right, or for the purpose of any other action, the bylaws may provide for fixing, or in the absence of such provision, the board may fix, in advance, a date as the record date for any such determination of stockholders. Such date shall not be more than 60 nor less than 10 days before the date of such meeting, nor more than 60 days prior to any other action.

e. Borrow money provided that the aggregate indebtedness for borrowed money, other than to the Federal Home Loan Bank, will not exceed 20% of its depositors' accounts, except with the approval of the commissioner.

C. 17:12B-251 Directors' election, vacancies.

22. Directors' election, vacancies. The directors shall be elected by the stockholders of a capital stock association by ballot at the annual meeting for such term, not exceeding 3 years, as the bylaws provide. Where the term is more than 1 year, the bylaws shall establish terms of office so that an equal number of directors, so far as possible, shall be elected each year. A vacancy in the board may be filled by the board until the next annual meeting of the association, when it shall be filled by the stockholders of the association for the remainder of the unexpired term. Each director shall hold office for the term for which he is elected and until his successor shall be chosen and qualified.

C. 17:12B-252 Liability of stockholders.

23. Liability of stockholders. Stockholders, after their stock has been fully paid, are not liable to creditors or for assessments upon their stock. Stock shall be considered fully paid when the consideration for the issuance of any shares of capital stock has been paid, in whole, in cash.

C. 17:12B-253 Notice to stockholders.

24. Notice to stockholders. Except where this act or regulations promulgated hereunder expressly provide otherwise, all notices, statements, reports or other documents required to be given to any stockholder may be given to him either personally or by mail, postage prepaid, addressed to him at his last address which appears on the records of the association. Service by mail shall be complete upon posting.

C. 17:12B-254 Meeting place.

25. Meeting place. Stockholders' meetings shall be held at the

capital stock association's principal office or at such other place within the State of New Jersey as the board shall designate.

C. 17:12B-255 Meetings of stockholders.

26. Meetings of stockholders.

a. Annual. The stockholders shall meet at least once in each year, as the bylaws shall provide, upon not less than 10 days' written notice, which shall be given by mail for the election of directors and the transaction of any other business which may properly be brought before such meeting.

b. Special meetings of the stockholders may be called as provided in the bylaws, but upon not less than 10 days' written notice by mail, and the notice of such meeting shall state the purposes for which it is called.

C. 17:12B-256 Quorum for stockholders' meetings.

27. Quorum for stockholders' meetings. The bylaws shall prescribe the number of stockholders which shall constitute a quorum at a meeting.

C. 17:12B-257 Voting rights of stockholders.

28. Voting rights of stockholders.

a. Each stockholder owning shares of capital stock with voting rights shall be entitled to vote at any meeting of the capital stock association. Each capital stock association shall set forth in its bylaws the voting rights of its stockholders. Each holder of shares of capital stock shall be entitled to one vote for each voting share on each matter submitted to a vote at a meeting of stockholders.

b. Stockholders may vote by written proxy if the bylaws so provide and the bylaws may prohibit voting by persons who have become stockholders within 60 days of the date when the vote is cast.

c. Each share of stock held jointly shall be allowed one vote.

C. 17:12B-258 Reports to stockholders.

29. Reports to stockholders. Every capital stock association shall make available to its stockholders annually, a report of its financial condition as of the end of the fiscal year, either

a. By mailing to each stockholder of record a statement of assets and liabilities, and a statement of operations; or

b. By publishing a statement of its assets and liabilities at least once in a newspaper published or circulating in the municipality in which the principal office of the capital stock association is located and by furnishing to any stockholder upon request, a statement of assets and liabilities, and a statement of operations; or

c. By reporting in such manner and form as may be required by regulations promulgated by the commissioner.

C. 17:12B-259 Dividends on capital stock.

30. Dividends on capital stock. The directors of a capital stock association, after payment of interest to depositors may declare dividends on capital stock from net income, earned surplus or undivided profits in accordance with the provisions of this act and the bylaws of such association, provided that before and following the declaration of any such dividend, a capital stock association shall have reserves required by this act, stated capital, capital surplus, earned surplus and undivided profits totaling at least 5% of the outstanding amount of its savings accounts or deposits.

C. 17:12B-260 Books and records of capital stock associations; right of inspection.

31. Books and records of capital stock associations; right of inspection.

a. Each capital stock association shall keep books and minutes of the proceedings of its stockholders, board and executive committee, if any. The capital stock association shall keep at its principal office a record or records containing the names and addresses of all stockholders, the number, class and series of shares held by each and the dates when they respectively became the owners of record thereof. 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 capital stock association shall convert into written form without charge any such records in any such form upon the written request of any person entitled to inspect them. In the case of shares of stock of a capital stock association, the records of the holders of such shares may be kept at the office of the capital stock association's transfer agent within or without this State.

b. Any person who shall have been a stockholder of record of a capital stock association for at least 6 months immediately preceding his demand and holding at least 5% of the outstanding shares of any class, upon at least 5 days' written demand shall have the right for any proper purpose to examine in person or by agent or attorney, during usual business hours, the minutes of the proceedings of its stockholders and records of stockholders and to make extracts therefrom, at the places where the same are kept pursuant to subsection a. of this section.

c. Nothing herein contained shall impair the power of the com-

missioner, upon proof by a stockholder of proper purpose, irrespective of the period of time during which said stockholder shall have been a stockholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such stockholder of the books, minutes and records of stockholders of a capital stock association.

C. 17:12B-261 Conversion of mutual association to capital stock association.

32. Conversion of mutual association to capital stock association. A mutual association which is a member of the Federal Savings and Loan Insurance Corporation, organized pursuant to the provisions of this act, may convert itself into a capital stock association with the same force and effect as though originally incorporated as a capital stock association.

a. When, in the judgment of the board of such association, it shall be deemed advisable and in the best interests of its members that the same shall be converted into a capital stock association, as provided in this section, the board shall adopt a resolution to that effect, and follow such procedures as may be required by regulations promulgated by the commissioner;

b. Upon compliance with the requirements of subsection a. of this section, a meeting of the members of the association shall be held upon not less than 30 days' written notice to each member by mailing, postage prepaid, directed to his last address as shown on the books of the association, which notice shall contain a statement of the time, place and purpose for which such meeting is called. Such notice shall be accompanied by a proxy statement and proxy form in accordance with regulations promulgated by the commissioner;

c. At the meeting of the members of any such association held as provided in subsection b. of this section, such members may, by the affirmative vote of at least a majority of the votes of the members of the mutual association present, either in person or by proxy, declare by resolution the determination to convert the association into a capital stock association. A copy of the minutes of the proceedings of such meeting of the members shall be filed in the office of the commissioner within such time and in such form and manner as set forth in regulations promulgated by the commissioner;

d. At the meeting at which the conversion is voted upon, the members of the association shall also vote upon the directors who shall be the directors of the capital stock association after the effective date of the conversion. The directors so elected shall be

the incorporators and execute and file with the commissioner a certificate of incorporation as provided for in section 18 of this amendatory and supplementary act, together with an application for conversion which shall contain the plan of conversion pursuant to the provisions of this act. Upon a finding by the commissioner that (1) the plan of conversion has been adopted and approved by the mutual association in compliance with the provisions of this act, (2) is fair and equitable to all members, and (3) sufficient provision has been made to protect the interest of the depositors of the prospective capital stock association, he shall issue a certificate of approval of the conversion which shall be endorsed upon or annexed to the certificate of incorporation. The certificate of incorporation with the commissioner's approval endorsed thereon or annexed thereto, shall be recorded within 30 days after such approval in the same manner and places as required by section 22 (C. 17:12B-22) of this act, upon the approval by the commissioner and the filing of the certificate of incorporation as aforesaid, the association shall cease to be a mutual association and thereafter shall operate as a capital stock association. Upon the conversion of the mutual association, the legal existence of the association shall not terminate but the capital stock association shall be a continuation of the entity of the mutual association and all property of the mutual association, including its right, title and interest in and to all property of whatsoever kind and nature, whether real, personal or mixed and things, and choses in action, and every right, privilege, interest and asset of every conceivable value or benefit then existing or pertaining to it, or which would inure to it, immediately by operation of law and without the necessity of any conveyance or transfer and without any further act or deed shall vest in the capital stock association into which the mutual association has converted itself. The capital stock association 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 mutual association. The capital stock association as of the time and the taking effect of the conversion shall continue to have and succeed to all the rights, obligations and relations of the mutual association. All pending actions and other judicial or administrative proceedings to which the mutual association was a party shall not be discontinued by reason of the conversion, but may be prosecuted to final judgment or order in the same manner as if the conversion had not been made and the capital stock association resulting from the conversion may continue such actions in its corporate name notwithstanding such con-

version. Any judgment or order may be rendered for or against it which might have been rendered for or against the mutual association theretofore involved in the judicial proceedings.

C. 17:12B-262 Plan of conversion.

33. Plan of conversion. The conversion of a mutual association into a capital stock association shall be effected in accordance with the plan of conversion adopted by the members, and approved by the commissioner, pursuant to the provisions of this act and consistent with the provisions of this section. The plan shall provide:

a. Each savings member in the mutual association shall receive an equivalent account in the capital stock association equal in amount to his account in the mutual association;

b. A record date for determining the respective interests of savings members in the mutual association, which date shall be established and published by the commissioner from time to time in his discretion, but not less often than annually, and may coincide, in the commissioner's discretion, with a record date if the same is established and published by the Federal Home Loan Bank Board. Such record date shall apply to the entire State;

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

d. The interests of directors, officers, employees and associates, as that word is defined in subsection c. of this section, shall be disclosed in the application for conversion filed with the commissioner and in the notice to members of the meeting called to adopt the plan of conversion;

e. Each savings member as of the record date shall receive such rights with respect to the capital stock of the capital stock association as shall be set forth in regulations promulgated by the commissioner;

f. A date upon which the association will advise qualified savings members of their rights and elections with respect to the conversion. Such notice shall be in accordance with regulations promulgated by the commissioner.

C. 17:12B-263 Adequate reserve and capital requirements.

34. Adequate reserve and capital requirements. After reorganization or conversion pursuant to the provisions of this act, each capital stock association shall maintain an adequate capital structure appropriate for the conduct of its business and the protection of its depositors. The adequacy of the capital of a capital stock association shall be determined by the commissioner after a valuation of the character of management, the liquidity of assets, history of earnings and the retention thereof, the potential volatility of the account or deposit structure and with due regard to the association's capacity to furnish the broadest services to the public. The reserves required by this act and the capital of a capital stock association resulting from the conversion of a mutual association shall not be less than 5% of its savings accounts or deposits.

C. 17:12B-264 Authorized shares of capital stock.

35. Authorized shares of capital stock. Each capital stock association shall have power to create and issue the number of shares of capital stock stated in its certificate of incorporation. Such shares may consist of one class or may be divided into two or more classes and any class may be divided into one or more series. Each class and series may have such designation and such relative dividend, liquidation and other rights, preferences and limitations as shall be stated in the certificate of incorporation, except that all shares of the same class shall be either without par value or shall have the same par value. Each class and series shall be designated so as to distinguish its shares from every other class and series.

C. 17:12B-265 Supervision of capital stock associations.

36. Supervision of capital stock associations. In the case of a capital stock association, with regard to the provisions of Article XII, the word "member" shall be either inclusive of stockholders of the capital stock association or shall be construed to mean stockholder wherever appropriate to the context.

C. 17:12B-266 Merger of capital stock associations.

37. Merger of capital stock associations. In the case of the merger of any two or more capital stock associations, the procedure to merge shall be as provided in Article XIII of this act except that the word "member" shall be either inclusive of stockholders of the capital stock association or shall be construed to mean stockholder wherever appropriate to the context.

C. 17:12B-267 Conversion of a capital stock association into a Federal association.

38. Conversion of a capital stock association into a Federal association. In the case of a capital stock association, the procedure to convert itself into a Federal association shall be as provided in section 222 (C. 17:12B-222) of this act except that all references to members shall be construed to mean stockholders wherever appropriate to the context. All of the provisions regarding property, rights, privileges and obligations as contained in section 223 (C. 17:12B-223) of this act shall apply to the conversion of a capital stock association into a Federal association so that the Federal association shall be a continuation of the converting capital stock association and continue to have all of its property, rights, privileges and obligations as more fully set forth in said section 223.

C. 17:12B-268 Conversion of a Federal association into a capital stock association.

39. Conversion of a Federal association into a capital stock association. In the case of a Federal association the procedure to convert itself into a capital stock association shall be as provided in section 224 (C. 17:12B-224) and section 225 (C. 17:12B-225) of this act and section 32 of this amendatory and supplementary act.

C. 17:12B-269 Commencement of business of capital stock association.

40. Commencement of business of capital stock association. Capital stock associations shall not commence business until its accounts have been accepted for Federal Savings and Loan Insurance.

C. 17:12B-270 Dissolution and liquidation of capital stock association.

41. Dissolution and liquidation of capital stock association. In the case of the dissolution and liquidation of a capital stock association, the procedure shall be as set forth in Article XVIII of this act, except that the word "member" shall be either inclusive of stockholders of a capital stock association or shall be construed to mean stockholder wherever appropriate to the context. In the event of the dissolution and liquidation of a capital stock association, no liquidating dividend to the stockholders of the capital stock association shall be made until all liabilities of the capital stock association, including the withdrawal value of all accounts and deposits, have been satisfied in full.

C. 17:12B-271 Construction of inconsistent provisions.

42. Construction of inconsistent provisions. In the event of inconsistency between the provisions of this Article XXI and other

provisions of this act, such other provisions to the extent of the inconsistency shall be construed to be applicable to mutual associations only and not to capital stock associations.

C. 17:12B-272 Commissioner's power; rules and regulations.

43. The commissioner shall have power to implement and carry out the provisions and purposes of this Article XXI by the promulgation and issuance of rules and regulations from time to time. The commissioner, when issuing such rules and regulations, shall, to the extent feasible, promulgate such rules and regulations in substantial conformity with applicable rules and regulations of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation.

ARTICLE XXII. SAVINGS AND LOAN ASSOCIATION
HOLDING COMPANIES.

C. 17:12B-273 Definitions.

44. Definitions.

a. "Person" shall mean an individual or company.

b. "Company" shall mean any corporation, partnership, trust, joint-stock company, association or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal Home Loan Bank, or any company the majority of the shares of which is owned by the United States or any state, or by an officer of the United States or any state in his official capacity, or by an instrumentality of the United States or any state.

c. "Subsidiary" of a person or company for purposes of this act, means any person or company which is controlled by such person or company.

d. "Savings and loan holding company" shall mean any company which directly or indirectly controls an insured State association or controls any other company which is a savings and loan holding company by virtue of this section.

e. "Control" means directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owning, controlling, or holding the power to vote 10% or more of the outstanding members' accounts of a mutual association or the shares of capital stock of a capital stock association or the shares of stock of a savings and loan holding company or holding or controlling proxies representing 10% or more of the shares of a mutual savings and loan association.

f. "Acquiring party" means the person, company, subsidiary, or savings and loan holding company acquiring control of a savings and loan association or savings and loan holding company by the process of merger, consolidation or purchase of assets or capital stock.

C. 17:12B-274 Necessity of application; contents.

45. Necessity of application; contents. It shall be unlawful for any acquiring party to acquire control of a State Association or savings and loan holding company or to acquire all the assets or substantially all the assets, of a savings and loan holding company by the process of merger, consolidation or purchase of assets or capital stock of such savings and loan holding company until 30 days after the date of filing with the commissioner of an application containing all or part of the following information and any additional information that the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of account holders, borrowers or stockholders:

a. The identity, character and experience of each acquiring party by whom or on whose behalf acquisition is to be made.

b. The financial and managerial resources and future prospects of each acquiring party involved in the acquisition.

c. The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made.

d. The source and amount of the funds or other consideration used or to be used in making the acquisition, and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties. However, where the source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the commissioner shall not disclose the name of the lender to the public.

e. Any plans or proposals which any acquiring party making the acquisition may have to liquidate such state association or savings and loan holding company, to sell its assets or merge it with any company or to make any other major changes in its business or corporate structure or management.

f. The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the

terms of such employment, retainer or arrangements for compensation.

g. Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

When an unincorporated company is required to file the statements under subsection a., b. and f., the commissioner may require that the information be given with respect to each partner or a partnership or limited partnership; by each member of a syndicate or group; and by each person who controls a partner or member. When an incorporated company is required to file the statement under subsections a., b. and f., the commissioner may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of 10% or more of the outstanding voting securities of the corporation.

If any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Federal Securities Act of 1933, as amended, or in circumstances requiring the disclosure of similar information under the Federal Securities Exchange Act of 1934, as amended, or in an application filed with the Federal Home Loan Bank Board requiring similar disclosure, such registration statement or application may be filed with the commissioner in lieu of the requirements of this section.

C. 17:12B-275 Action to prevent acquisition of control; findings.

46. Action to prevent acquisition of control; findings. The commissioner shall within 30 days after the date of filing of the application referred to in section 45 of this amendatory and supplementary act, approve such application unless he finds any of the following:

a. The acquisition would substantially lessen competition in any part of the State of New Jersey, unless he finds that such anti-competitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served; or

b. The poor financial condition of any acquiring party might jeopardize the financial stability of the savings and loan association or the savings and loan holding company being acquired or might prejudice the interest of the account holders, borrowers, or stockholders of the State association or is not in the public interest; or

c. Any plan or proposal under which the acquiring party intends to liquidate the savings and loan association or the savings and loan holding company, to sell its assets or to merger it with any person or company, or to make any other major change in its business or corporate structure or management is not fair and reasonable to the association's account holders, borrowers, or stockholders or is not in the public interest; or

d. The competence, experience, and integrity of any acquiring party who would control the operation of the State association or savings and loan holding company indicate that approval would not be in the interest of the association's account holders, borrowers, or stockholders or in the public interest.

C. 17:12B-276 Penalties.

47. Penalties. Any person who willfully violates any provision of this part, or any regulation or order thereunder, is guilty of a misdemeanor and shall upon conviction be fined not more than \$1,000.00 for each day during which the violation continues.

ARTICLE XXIII. SEPARABILITY AND EFFECTIVE DATE.

C. 17:12B-277 Separability; partial invalidity.

48. Separability; partial invalidity. If any provision of this act, or the application thereof to any person, is held invalid, the remaining provisions of this act, and the application of such provision to any other person, shall not be invalidated or affected thereby.

49. This act shall take effect immediately.

Approved October 23, 1974.

CHAPTER 138

AN ACT to amend the title of "An act authorizing boards of chosen freeholders and governing bodies of municipalities to make appropriations for the support of nonprofit, approved child care centers," approved February 1, 1972 (P. L. 1971, c. 422), so that the same shall read "An act authorizing boards of chosen freeholders and governing bodies of municipalities to make appropriations for the support of nonprofit, approved child care centers and certain committees or councils coordinating child care," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1971, c. 422 is amended to read as follows: An act authorizing boards of chosen freeholders and governing bodies of municipalities to make appropriations for the support of nonprofit, approved child care centers and certain committees or councils coordinating child care.

2. Section 1 of P. L. 1971, c. 422 (C. 40:23-8.14) is amended to read as follows:

C. 40:23-8.14 Appropriations for child care centers.

1. The board of chosen freeholders of any county and the governing body of any municipality may appropriate annually funds for the support of nonprofit child care centers possessing a valid certificate of approval or waiver in writing from said requirement issued by the Commissioner of Institutions and Agencies pursuant to chapter 70 of Title 18A of the New Jersey Statutes and R. S. 30:1-25, and to committees or councils coordinating child care, located within said county or municipality.

3. Section 2 of P. L. 1971, c. 422 (C. 40:23-8.15) is amended to read as follows:

C. 40:23-8.15 Contract requirement.

2. Any appropriation made pursuant to section 1 shall be made pursuant to a contract between the governing body of said county or municipality and the board of directors of the nonprofit child care center or coordinating committee or council. Said contract shall describe the services to be rendered by the center or committee or council in exchange for the appropriation and shall be approved by the Commissioner of Institutions and Agencies.

4. This act shall take effect immediately.

Approved October 24, 1974.

CHAPTER 139

AN ACT appropriating certain funds from the Water Conservation Fund for loans and grants for the planning and construction of sewerage 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 from the proceeds of the Water Conservation Fund created pursuant to the Water Conservation Bond Act (P. L. 1969, c. 127) to the Division of Water Resources in the State Department of Environmental Protection a sum not to exceed \$3,265,545.00 for the purpose of providing grants, not exceeding 15% of the cost of the 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 authorities:

Authority	State I.D. Project Number
Bayshore Regional Sewerage Authority	153
Beverly Sewerage Authority	122
Long Branch Sewerage Authority	115
Passaic Valley Water Commission	101
Pemberton Township Municipal Utilities Authority	137

All of the said sum of \$3,265,545.00 may be paid over to said authorities during the calendar year of 1974.

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 \$2,563,095.00 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 municipality and authority:

Municipality or Authority	State I.D. Project Number
Parsippany-Troy Hills, township of	155
Passaic Valley Sewerage Commissioners	149

All of the said sum of \$2,563,095.00 may be paid over to said municipality and authority during the calendar year of 1974.

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 \$52,925.00 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 \$52,925.00 may be paid over to said authority during the calendar year of 1974.

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 \$7,430,743.00 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 municipality and authorities:

Authority	State I.D. Project Number
Bergen County Sewer Authority	61
Gloucester County Sewerage Authority	52
Bayshore Regional Sewerage Authority	90
Second River Joint Meeting	127
New Providence, borough of	84
Middlesex County Sewerage Authority	121

All of the said sum of \$7,430,743.00 may be paid over to said authority during the calendar year of 1974.

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 \$3,920,250.00 for the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 15% 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 authorities:

Authority	State I.D. Project Number
Atlantic County Sewerage Authority	123
Ocean County Sewerage Authority	135

All of the said sum of \$3,920,250.00 may be paid over to said authority during the calendar year of 1974.

6. This act shall take effect immediately.

Approved October 29, 1974.

CHAPTER 140

AN ACT to amend the “New Jersey Medical Assistance and Health Services Act,” approved January 15, 1969 (P. L. 1968, c. 413).

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

1. Section 7 of P. L. 1968, c. 413 (C. 30:4D-7) is amended to read as follows:

C. 30:4D-7 Duties of commissioner.

7. Duties of commissioner. The commissioner is authorized and empowered to issue, or to cause to be issued through the Division of Medical Assistance and Health Services all necessary rules and regulations and administrative orders, and to do or cause to be done all other acts and things necessary to secure for the State of New Jersey the maximum Federal participation that is available with respect to a program of medical assistance, consistent with fiscal responsibility and within the limits of funds available for any fiscal year, and to the extent authorized by the medical assistance program plan; to adopt fee schedules with regard to medical assistance benefits and otherwise to accomplish the purposes of this act, including specifically the following:

a. Subject to the limits imposed by this act, to submit a plan for medical assistance, as required by Title XIX of the Federal Social Security Act, to the Federal Department of Health, Education and Welfare for approval pursuant to the provisions of such laws; to act for the State in making negotiations relative to the submission and approval of such plan, to make such arrangements,

not inconsistent with the law, as may be required by or pursuant to Federal law to obtain and retain such approval and to secure for the State the benefits of the provisions of such law;

b. Subject to the limits imposed by this act, to determine the amount and scope of services to be covered, that the amounts to be paid are reasonable, and the duration of medical assistance to be furnished; provided, however, that the department shall provide medical assistance on behalf of all recipients of categorical assistance and such other related groups as are mandatory under Federal laws and rules and regulations, as they now are or as they may be hereafter amended, in order to obtain Federal matching funds for such purposes and, in addition, provide medical assistance for the foster children specified in section 3. f. (5) of this act. The medical assistance provided for these groups shall not be less in scope, duration, or amount than is currently furnished such groups, and in addition, shall include at least the minimum services required under Federal laws and rules and regulations to obtain Federal matching funds for such purposes.

The commissioner is authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to extend the scope, duration, and amount of medical assistance on behalf of these groups of categorical assistance recipients, related groups as are mandatory, and foster children authorized pursuant to section 3. f. (5) of this act, so as to include, in whole or in part, the optional medical services authorized under Federal laws and rules and regulations, and the commissioner shall have the authority to establish and maintain the priorities given such optional medical services; provided, however, that medical assistance shall be provided to at least such groups and in such scope, duration, and amount as are required to obtain Federal matching funds;

The commissioner is further authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to issue, or cause to be issued through the Division of Medical Assistance and Health Services all necessary rules, regulations and administrative orders, and to do or cause to be done all other acts and things necessary to implement and administer demonstration projects pursuant to Title XI, Section 1115 of the Federal Social Security Act, including, but not limited to waiving compliance with specific provisions of this act, to the extent and for the period of time the commissioner deems necessary, as well as contracting with any legal entity, including

but not limited to corporations organized pursuant to Title 14A, New Jersey Statutes (N. J. S. 14A:1-1 et seq.) and Title 15, Revised Statutes (R. S. 15:1-1 et seq.) as well as boards, groups, agencies, persons and other public or private entities.

c. To administer the provisions of this act;

d. To make reports to the Federal Department of Health, Education and Welfare as from time to time may be required by such Federal department and to the New Jersey Legislature as hereinafter provided;

e. To assure that any applicant for medical assistance shall be afforded the opportunity for a fair hearing by the department should his claim for medical assistance be denied or not acted upon with reasonable promptness;

f. To provide that either the recipient or the provider shall be afforded the opportunity for a fair hearing within a reasonable time on any valid complaint;

g. To provide safeguards to restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with administration of this act;

h. To recover any and all payments incorrectly or illegally made to a recipient or provider from such provider, the recipient or his estate;

i. To recover any and all benefits incorrectly paid to a provider on behalf of a recipient from such recipient or from his estate except that no lien may be imposed against property of the recipient prior to his death except pursuant to the judgment of a court;

j. To take all reasonable measures to ascertain the legal liability of third parties to pay for care and services (available under the plan) arising out of injury, disease, or disability; where it is known that a third party has a legal liability, to treat such legal liability as a resource of the individual on whose behalf the care and services are made available for purposes of determining eligibility; and in any case where such a legal liability is found to exist after medical assistance has been made available on behalf of the individual, to seek reimbursement for such assistance to the extent of such legal liability. In any case where such a legal liability is found the department shall be subrogated to the rights of the individual for whom medical assistance was made available;

k. To solicit, receive and review bids pursuant to the provisions of P. L. 1954, c. 48 (C. 52:34-6 et seq.) and all amendments and supplements thereto, by authorized insurance companies and non-

profit hospital service corporations or medical service corporations, incorporated in New Jersey, and authorized to do business pursuant to P. L. 1938, c. 366 (C. 17:48-1 et seq.) or P. L. 1940, c. 74 (C. 17:48A-1 et seq.), and to make recommendations in connection therewith to the State Medicaid Commission;

l. To contract, or otherwise provide as in this act provided, for the payment of claims in the manner approved by the State Medicaid Commission;

m. Where necessary, to advance funds to the underwriter or fiscal agent to enable such underwriter or fiscal agent, in accordance with terms of its contract, to make payments to providers;

n. To contract with and to pay for appropriate agencies that investigate and determine whether applicants for benefits under this act are eligible therefor under the standards prescribed by the department;

o. To assure that the nature and quality of the medical assistance provided for under this act shall be uniform and equitable to all recipients.

2. This act shall take effect immediately.

Approved October 30, 1974.

CHAPTER 141

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is amended to read as follows:

C. 40:41A-124 Schedule of installation of optional plan adopted.

124. Schedule of installation of optional plan adopted. 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 at the next general election occurring no less than 75

days next following the adoption of one of the optional plans in this act;

c. Except as otherwise provided in d. hereafter, the offices of the entire board of freeholders and all other offices established by any plan in this act which has been adopted by the registered voters of the county except sheriff, clerk, surrogate and register of deeds and mortgages shall be voted on at the first general election following adoption of such plan. In November of the first general election after the adoption of any plan provided in this act, the terms of all incumbent members of the board of freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of freeholders. On that date the newly-elected freeholders shall take office and the new board shall organize itself in accordance with the plan adopted thereunder. All freeholders and other officers elected in the first general election following the adoption of any plan provided in this act shall take office at noon on the Monday next following their election, but their terms shall expire in accordance with the plan selected, as if they had taken office on January 1 in the year following their election. But nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired. In the event that the plan approved provides for concurrent terms, all freeholders shall be elected for concurrent 3-year terms. In the event that the approved plan provides for staggered terms, terms shall be as follows:

(1) If there be five members to be elected, all at large or all by district, two shall be elected for 3 years, two shall be elected for 2 years, and one for 1 year.

(2) If there be seven members to be elected, all at large or all by district, three shall be elected for 3 years, two for 2 years, and two for 1 year.

(3) If there be nine members to be elected, all at large or all by district, three shall be elected for 3 years, three for 2 years and three for 1 year.

(4) If there be five members to be elected, three by district and two at large, one at large member shall be elected for 3 years and one for 2 years, and one district member shall be elected for 3 years, one for 2 years and one for 1 year.

(5) If there be seven members to be elected, four by district and three at large, one at large member shall be elected for 3 years, one

for 2 years and one for 1 year, and two district members shall be elected for 3 years, one for 2 years, and one for 1 year.

(6) If there be nine members to be elected, five by district and four at large, two at large members shall be elected for 3 years, one for 2 years and one for 1 year, and one district member shall be elected for 3 years, two for 2 years, and two for 1 year.

(7) The length of the terms specified in subparagraphs (1) through (6) shall be determined by drawing to be conducted by the county clerk within 60 days after the adoption of the optional plan.

In all elections, after the first election under this act, all members shall be elected for 3-year terms beginning on January 1 in the year following their election.

d. If the adopted plan shall provide for a new board of freeholders composed of the same number of freeholders as serve on the existing board with all members to be elected at large for non-concurrent terms, the initial elections to the new board of freeholders shall be held to fill only those freeholder offices for which the terms would have otherwise expired on January 1 next following the date of election but for the provisions of this act. The board members so elected shall serve for a term of 3 years expiring the following January 1 as provided in subsection c. hereof.

The terms of the incumbents of the existing board whose offices are filled at the initial election shall be deemed terminated at noon on the first Monday following the election of the new member of the board. On that date, the newly elected freeholders shall take office and together with those freeholders whose terms have not expired, shall constitute the new board.

2. This act shall take effect immediately.

Approved November 2, 1974.

CHAPTER 142

AN ACT to amend "An act governing the manufacture, sale and distribution of frozen desserts and special frozen dietary foods, providing for the inspection, sanitation and licensing of frozen dessert plants, providing for the promulgation of standards of identity and definitions of frozen desserts and special frozen dietary foods, and repealing sections 24:10-58 to 24:10-73 of the Revised Statutes, both inclusive, and chapter 117 of the laws of

1957, chapter 55 of the laws of 1962 and chapter 109 of the laws of 1958, and supplementing article 7 of chapter 10 of Title 24 of the Revised Statutes," approved June 16, 1964 (P. L. 1964, c. 120).

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

1. Section 1 of P. L. 1964, c. 120 (C. 24:10-73.1) is amended to read as follows:

C. 24:10-73.1 Rules and regulations.

1. The State Department of Health, hereinafter referred to as the "department" shall from time to time after inquiry and public hearing, adopt and promulgate rules and regulations establishing standards of identity and definitions for frozen desserts and special frozen dietary foods and the mixes used in the manufacture thereof, together with rules and regulations governing the packaging and labeling and sanitation and other conditions relating to the manufacture, processing, distribution and sale of frozen desserts, as may be necessary for the protection of the public interest; provided, however, that the department shall require by such rule or regulations that all ingredients be listed on the label of frozen desserts and special frozen dietary foods distributed for sale in this State. The department is hereby authorized to adopt, insofar as applicable, the standards of identity and definitions from time to time promulgated by the Secretary of Health, Education and Welfare of the United States under the Federal Act defining and standardizing frozen desserts.

C. 24:10-73.1a Extension of time for compliance.

2. The State Department of Health shall grant reasonable extensions of time for compliance with rules or regulations enacted pursuant to this amendatory act where undue hardship would result to any person because of such rules or regulations.

3. This act shall take effect 1 year from the date of enactment.

Approved November 11, 1974.

CHAPTER 143

AN ACT concerning the care, custody, guardianship and support of children and amending R. S. 9:2-4.

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

1. R. S. 9:2-4 is amended to read as follows:

Parents' right to custody equal; child's preference; preference of father over mother; orders and judgment of court; removal of child from State.

9:2-4. In making an order or judgment relative to the custody of the children pending a controversy between their parents, or in regard to their final possession, the rights of both parents, in the absence of misconduct, shall be held to be equal, and they shall be equally charged with their care, nurture, education and welfare, and the happiness and welfare of the children shall determine the custody or possession. If a child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody, the court shall consider and give due weight to his wishes in making an award of custody or modification thereof.

The court may make the necessary orders and judgments from time to time in relation to such custody or possession, but the father, as such, shall not have preference over the mother as to the award of custody of such minor child if the best interests of the child otherwise may be protected, and in no case shall the court having jurisdiction in this State over the person and custody of any minor permit such child to be removed from this State where the mother or father resides in this State and is the suitable person who should have the custody of such child for its best welfare.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 144

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended to read as follows:

C. 40:41A-27 County powers generally.

27. County powers generally. Any county that has adopted a charter pursuant to this act may, subject to the provisions of such charter, general law and the State Constitution:

a. Organize and regulate its internal affairs; create, alter and abolish offices, positions and employments and define the functions, powers and duties thereof; establish qualifications for persons holding offices, positions and employments; and provide for the manner of their appointment and removal and for their term, tenure and compensation.

b. Adopt, amend, enforce, and repeal ordinances and resolutions as defined in section 100, notwithstanding the effect of any referendum conducted prior to the county's adoption of its charter pursuant to this act.

c. Construct, acquire, operate or maintain public improvements, projects or enterprises for any public purposes, subject to such referendum as may otherwise be imposed by law;

d. Exercise powers of eminent domain, borrowing and taxation only as provided by general State law;

e. Exercise all powers of county government in such manner as its board of freeholders may determine;

f. Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend moneys for county purposes;

g. Enter into contractual agreements with any other governmental body or group of bodies within or without the borders of the county but within the borders of the State; without regard to whether such other governmental body or group of bodies be a unit of State, county, or municipal government or a school district, authority or special district, to perform on behalf of that unit, any service or function which that unit would be authorized to provide for itself or for any other unit of government; provided, however, that no county shall contract to provide a service or function to any unit in any other county unless the board of freeholders of such other county shall first approve the proposed contract. All contracts under this section shall be specific as to the terms for rendering of services, the level, quality, and scope of the services to be performed, the cost of providing these services, and the duration of the contract. Such contract may provide for binding arbitration or for binding fact-finding procedures to settle disputes or questions arising as to the terms of service and quality and quantity levels

thereof to be provided under the contract. All services shall be performed on a cost basis, and no contract shall be for a duration of more than 7 years. Nothing in this section shall be construed to prevent two or more counties from jointly undertaking a contract to provide a service or function to any other unit or group of units. For the purposes of this section, the county shall be deemed to be the general agent of the other party or parties to the contract with respect to the performance of the service or services as specified in the contract, with full powers of performance and maintenance of the service contracted for and full powers to undertake any operation ancillary thereto, and all other powers of enforcement and administrative regulation which are or might be exercised by the contracting principal. Except that no contracting party shall be liable for any part or share of the cost of constructing or maintaining any capital facility built by the county to provide such service unless such part or share of the cost of such capital facility's construction or maintenance is provided for in the contract between the two parties and the governing bodies of such contracting parties shall have ratified the contract. Nothing in this section shall be construed to prevent the contracting for provision of more than one service or group of services by the county, and the county may become the agent of any other unit of government in the performance of any and all functions which the contracting unit sees fit to employ the county as agent to perform.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 145

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 11 of P. L. 1963, c. 144 (C. 17:12B-11) is amended to read as follows:

C. 17:12B-11 First lien.

11. "First lien." A mortgage upon real property or a mortgage upon a lease of the fee of real property shall be deemed a first lien as follows:

(a) A mortgage upon real property shall be deemed a first lien notwithstanding the existence of a prior mortgage or mortgages held by the association, or liens of taxes or assessments which are not delinquent, building restrictions or other restrictive covenants or conditions, leases or tenancies whereby rents or profits are reserved to the owner, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments which do not materially affect the security for the mortgage loan.

(b) A mortgage upon a lease of the fee of real property shall be deemed a first lien notwithstanding the existence of liens of taxes or assessments 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 do not materially affect the security for the mortgage loan.

(c) A mortgage upon an apartment which is part of a horizontal property regime, established under the "Horizontal Property Act," P. L. 1963, c. 168 (C. 46:8A-1 et seq.) or upon a unit which is part of a condominium established pursuant to the "Condominium Act", P. L. 1969, c. 257 (C. 46:8B-1 et seq.) shall be deemed a first lien notwithstanding the existence of other proportionate undivided interests in the "general common elements" or "common elements" of such horizontal property regime or condominium, as the case may be, as the same are defined in the "Horizontal Property Act," and the "Condominium Act," respectively, and notwithstanding the indivisibility of such common elements or the existence of a prior mortgage or mortgages held by the association upon such apartment or unit or the existence of a prior mortgage or mortgages on other apartments or units within the particular horizontal property regime or condominium, as the case may be, regardless of whether such prior mortgages are held by the association or any other mortgagee and notwithstanding liens of taxes or assessments which are not delinquent, building restrictions or other restrictive covenants or conditions, leases or tenancies whereby rents or profits are reserved to the owner, or other easements or encroachments which do not materially affect the security for the mortgage loan.

(d) 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 real property in such state.

2. Section 155 of P. L. 1963, c. 144 (C. 17:12B-155) is amended to read as follows:

C. 17:12B-155 Other loans.

155. Other loans. Other loans may be made as follows:

A. Account loans. Loans secured by a pledge of a member's savings account. No such loan shall exceed the withdrawal value of the pledged account, less interest thereon for a period of 6 months. Interest on such loans shall not be charged at a rate in excess of the maximum permitted under the provisions of R. S. 31:1-1 unless a higher rate is required by any applicable Federal regulation that establishes minimum rates that must be charged on loans secured by savings accounts; in which event, the interest charged shall not be greater than that specified by such Federal regulation.

B. Purchase of loans. An association may purchase any mortgage loan, property repair, alteration, improvement or rehabilitation loan, or any other loan which an association is authorized to make.

C. Loans secured by a mortgage upon a lease of the fee of real property. Any association may invest in any obligation secured by a mortgage which is a first lien, as defined in section 11 of this act, on a lease of the fee of real property located in this State. The term of the leasehold interest securing such loan shall be not less than 50 years from the date such loan is granted, otherwise; such loans shall be made pursuant to sections 146 through 154, 167 and 168 of this act.

D. Camp meeting leaseholds. An association may invest in any obligation secured by a first mortgage, as defined in section 11 of this act, on any leasehold estate of real estate, in this State, of any camp meeting association, to the extent authorized by, and subject to, the limitations and restrictions contained in R. S. 17:2-1.

E. Loans otherwise authorized. An association may make any other loan which it may be authorized to make by any law of this State.

F. Loans on apartments or units established under the "Horizontal Property Act or the Condominium Act." An association may invest in any obligation secured by a mortgage which is a first lien, as defined in section 11 of this act, on an apartment which is part of a horizontal property regime established under the "Horizontal Property Act," or upon a unit which is part of a condominium established under the "Condominium Act." All

such loans shall be made pursuant to sections 146 through 154, 167 and 168 of this act.

G. Educational loans. In addition to the authority otherwise granted by law for an association to make loans guaranteed or insured in whole or in part by the United States of America or the State of New Jersey, or any instrumentality or agency of either of them, or for which a commitment to so guarantee or insure has been made, an association may make any loans so guaranteed or insured or for which a commitment to so guarantee or insure has been made where such loans are made for the purpose of financing the expenses of higher education. Such loans may be made in accordance with the terms and conditions permitted by the guaranteeing or insuring authority, notwithstanding any other provisions of law limiting interest or other charges or prescribing other terms and conditions.

H. Loans on building lots. An association may invest in any obligation secured by a mortgage which is a first lien on a building lot, where it is represented by the borrower at the time the loan is made that he intends to build or have built a dwelling on the building lot for his own use and occupancy. The amount of such loan shall not exceed 80% of the value of the real estate as found by appraisal at the time the loan is granted and shall be a direct reduction loan as defined in section 5 of this act, which shall require periodic payments sufficient to pay the principal and interest on the loan in full over a period of 10 years or less.

3. Section 167 of P. L. 1963, c. 144 (C. 17:12B-167) is amended to read as follows:

C. 17:12B-167 Appraisals.

167. Appraisals. No investment in any mortgage loan shall be made until one or more appraisals of the value of the real estate or interest therein to be loaned upon shall have been made and until the loan shall have been approved by the board or by a committee of the board designated for that purpose. Where the amount of the mortgage loan is over \$25,000.00 and is or will be secured by a property which includes more than four family dwelling units, such appraisal shall be made by at least two persons, one of whom shall be an officer, director or employee of the association and the other shall be an independent qualified appraiser, not an officer, director or employee of the association. Otherwise the appraisal shall be made by at least two persons, one of whom shall be an officer, director or employee of the association or in lieu thereof, by an in-

dependent qualified appraiser, not an officer, director or employee of the association. The appraisal report of each appraiser shall be signed by him and shall be filed and preserved among the records of the association. Where more than one person appraises the real estate in question, a joint report or separate reports may be filed.

In the case of a mortgage loan secured by a lease of the fee of real property, the appraisal report shall also state an opinion as to the value of the leasehold interest to be subject to the mortgage.

In the case of a mortgage loan secured by an apartment which is part of a horizontal property regime, established under the "Horizontal Property Act," or by a unit which is part of a condominium established under the "Condominium Act," the appraisal report shall consider the percentage value of interests in the general common elements, limited common elements and common elements in stating an opinion as to the value of the apartment or unit interest to be subject to the mortgage.

4. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 146

AN ACT concerning creditor billing errors in connection with certain consumer credit transactions and supplementing Title 56 of the Revised Statutes.

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

C. 56:11-1 Definitions.

1. As used in this act:

"Consumer" means a natural person.

"Creditor" means a person, partnership, corporation, association or other entity who, in the ordinary course of business, regularly extends consumer credit.

"Consumer credit" means credit extended to a consumer, primarily for personal, family or household purposes, pursuant to a plan under which the creditor may permit the consumer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check or other device, as the plan may provide.

“Billing error” means the initial occurrence of an error by omission or commission by the creditor in a billing statement given to the consumer by the creditor in (a) posting any debit or credit or (b) the computation of any amount or (c) any similar error of an accounting nature.

C. 56:11-2 Applicability of act.

2. This act shall not apply to statements of accounts rendered to customers by public utilities whose billing practices are subject to the jurisdiction and regulation of the Board of Public Utility Commissioners.

C. 56:11-3 Billing error; acknowledgment, corrections; credit information.

3. If a creditor, having transmitted to a consumer a statement of the consumer's account, receives from the consumer at an address designated therefor by the creditor in accordance with section 5 of this act, within 30 days of the mailing of said statement, a written notice, on a document other than a document provided by the creditor to accompany payment, by registered or certified mail, return receipt requested, setting forth sufficient information to enable the creditor to identify the consumer and the account, the amount and transaction shown in the statement which the consumer in good faith believes to be a billing error, and the facts providing the basis for the consumer's belief that the statement is in error; the creditor shall:

a. Not later than 30 days after receipt of the notice, mail a written acknowledgment to the consumer; and

b. Not later than 90 days after receipt of the notice and prior to taking any action to collect the amount believed by the consumer to be a billing error, (1) make appropriate corrections in the account of the consumer and mail to the consumer a written notice stating that the amount believed to be in error has been corrected and will be shown on the next statement mailed to the consumer or (2) send a written notice to the consumer setting forth the reasons why the creditor believes the account of the consumer was correctly shown in the statement; and

c. Not communicate unfavorable credit information concerning the consumer to any person, including but not limited to credit bureaus or credit reporting agencies, based upon the consumer's failure to pay the amount believed by him to be a billing error, until the creditor has complied with this section.

C. 56:11-4 Statement of account.

4. Notwithstanding the receipt by a creditor of a notice from a

consumer as described in section 3 of this act, a creditor may, subject to the provisions of section 7 of this act, transmit statements of account to the consumer which include an amount believed by the consumer to be a billing error, and the creditor, further, may undertake collection procedures not attributable to such consumer's failure to pay, nor directed at, such disputed amount.

C. 56:11-5 Address included.

5. Every statement of account rendered by a creditor to a consumer shall include the address to be used by the consumer in making inquiries concerning his statement.

C. 56:11-6 Written notice.

6. Not later than 60 days after the effective date of this act, a creditor shall send to each consumer, whose account was in existence on the effective date of this act, and with or before the first billing statement on any consumer credit plan issued or offered to a new consumer after the effective date of this act and upon each subsequent renewal of a consumer's account a written notice (by any means reasonably assuring the receipt thereof by the consumer) which describes the procedures to be followed under section 3 of this act. Provided, however, that with respect to an existing account on which there is no debit or credit balance on the effective date of this act a creditor shall have the option of sending such notice with or before the first billing statement issued on such account after the effective date of this act.

C. 56:11-7 Failure to comply; liabilities of creditor.

7. Any creditor, having received a notice from a consumer as provided in section 3 of this act, who fails to comply with the requirements of that section:

a. If such an amount is not in fact a billing error, forfeits any rights to collect from the consumer any finance charge or other charge imposed by the creditor in connection with the amount so specified, from the date of the mailing of such notice to the date the creditor complies with section 3 of this act; and

b. If such amount is in fact a billing error, is liable to the consumer in an amount equal to the sum of:

(1) the actual damages sustained by the consumer as a result of the failure of the creditor to comply with such section;

(2) twice the amount of the billing error shown in the statement of the consumer's account except that liability under this paragraph shall not be greater than \$100.00; and (3) in the case of any

successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

c. If such amount is in fact a billing error but the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from bona fide error made despite the maintenance of procedures reasonably adopted to avoid any such error, the creditor shall be liable to the consumer only to the extent of the actual damages sustained by the consumer as a result of the failure of the creditor to comply with such section and the costs of any action brought to enforce collection of such erroneous bill together with a reasonable attorney's fee as determined by the court.

8. This act shall take effect 6 months after its enactment.

Approved November 11, 1974.

CHAPTER 147

AN ACT to validate certain proceedings of municipalities for the issuance of bonds or other obligations by Type II school districts 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 municipality for the authorization or issuance of bonds or other obligations of the municipality for school purposes, in which municipality the school district has been reclassified from a Type I school district to a Type II school district, and any such bonds or other obligations issued or to be issued by such Type II school district as permitted by N. J. S. 18A:24-63 are hereby ratified, validated and confirmed notwithstanding that no school debt statement was prepared, sworn to and filed and no supplemental debt statement was filed as required by the provisions of N. J. S. 18A:24-16 and 18A:24-17; provided, however, that such supplemental debt statement was prepared, sworn to and filed in the office of the clerk of the municipality and in the office of the Director of Division of Local Finance in the Department of Community Affairs not later than 8 days after the final adoption of an ordinance authorizing the issuance of such

bonds or other obligations and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 148

AN ACT to validate certain proceedings for the issuance of bonds or notes of counties, and any bonds or notes 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 county or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the county, and any bond ordinance or resolution authorizing such bonds or notes heretofore adopted and any bonds or notes of the county to be issued in pursuance to such proceedings, are hereby ratified, validated and confirmed, notwithstanding that no supplemental debt statement was filed as required by the provisions of N. J. S. 40A:2-10; provided however, that a supplemental debt statement, correctly setting forth the amount of the increase of the debt of the county as authorized by such ordinance, has heretofore been prepared, sworn to, and filed in the places required by said N. J. S. 40A:2-10; and provided further, that no action, suit or other proceedings of any nature to contest the validity of any 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 November 11, 1974.

CHAPTER 149

AN ACT to amend "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of parimutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said Title was amended by P. L. 1941, c. 137.

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

1. Section 24 of P. L. 1940, c. 17 (C. 5:5-44) is amended to read as follows:

C. 5:5-44 Renewal of permit for horse race meeting.

24. In the event any person, partnership, association or corporation is granted a permit under this act to conduct a race meeting pursuant to provisions thereof, such permit shall be renewed upon application of the permit holder yearly for the next succeeding 10 years, for the same dates allotted to such permit holder during the preceding year, where it is in the public interest to do so, or for such other dates (not exceeding 75 racing days in the aggregate for running racing and not exceeding 100 days in the aggregate for harness racing) as the commission shall designate; provided, however, that should any permit holder reject any or all of the days to which they are entitled, the commission may allot them, or any of them, among the remaining permit holders. Such allotment shall be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State; and provided, further, that such permit holder has not violated any of the provisions of this act.

2. Section 27 of P. L. 1940, c. 17 (C. 5:5-47) is amended to read as follows:

C. 5:5-47 Permit issued; limitations; qualifications.

27. Upon compliance with the foregoing conditions, the commission shall issue a permit to such applicant to hold or conduct such horse race meeting as authorized by this act. Such permit shall

specify the person, partnership, association or corporation to whom the same is issued; the dates upon which such horse race meeting is to be held or conducted; the hours of such days between which such horse racing will be permitted, which shall be in between the hours during which the conduct of racing is authorized by law, the location of the place, track or enclosure at, on or within which said horse race meeting is to be held or conducted; and shall acknowledge receipt of the payment of the deposit and the filing of the bond provided for in this act. The commission may in its discretion authorize a permit holder to conduct the horse race meeting for which it has been issued a permit, or a portion thereof, at a place, track or enclosure owned or operated by another permit holder upon application therefor made by both said permit holders, subject to such terms, conditions, and requirements as the commission shall direct. No permit shall be issued to permit running racing on any track that is less than 1 mile in circumference nor harness racing on any track that is less than $\frac{1}{2}$ mile in circumference. No such permit shall be transferable nor shall it apply to any place, track or enclosure other than the one specified therein unless otherwise directed by the commission. No such permit shall be issued so as to permit horse racing at any place, track or enclosure except on Mondays through Fridays between the hours of 12 noon and 1 a.m. the following day and on Saturdays between the hours of 12 noon and 12 midnight. No permit shall be granted under this act to any person, partnership, association or corporation so as to permit more than 75 horse racing days in the aggregate in any 1 calendar year for running races, except as otherwise provided for herein, nor more than 100 racing days in the aggregate in any 1 calendar year for harness races; nor shall any permit be granted to the same person, partnership, association or corporation for the holding or conducting of a horse race meeting except at one track, place or enclosure in this State, unless otherwise directed by the commission. No such permit shall be issued to any person, partnership, association or corporation that is in any way in default in the payment of any obligation or debt due to the State of New Jersey under the provisions of this act, nor shall any permit be issued to any corporation under the provisions of this act unless said corporation be organized under and by virtue of the laws of the State of New Jersey, nor shall any permit be issued to any applicant who shall be deemed by said commission not to be of sufficient financial integrity and moral responsibility to hold

a horse race meeting conducive to the best interests of legitimate racing.

3. This act shall take effect January 1, 1975. However, the Racing Commission may take action in advance of said date for reviewing and approving applications for running racing and harness racing dates for 1975.

Approved November 11, 1974.

CHAPTER 150

AN ACT concerning immunization, amending R. S. 26:4-6, P. L. 1947, c. 177 and N. J. S. 18A:40-20, supplementing Title 26 of the Revised Statutes and repealing R. S. 26:4-7, R. S. 26:4-8, N. J. S. 18A:40-13, N. J. S. 18A:40-14, N. J. S. 18A:40-15, N. J. S. 18A:40-21 and N. J. S. 18A:40-22.

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

1. Section 7 of P. L. 1947, c. 177 (C. 26:1A-7), is amended to read as follows:

C. 26:1A-7 Council to establish State Sanitary Code; amendments.

7. The Public Health Council shall have power, by the affirmative vote of a majority of all its members, to establish, and from time to time amend and repeal, such reasonable sanitary regulations not inconsistent with the provisions of this act or the provisions of any other law of this State as may be necessary properly to preserve and improve the public health in this State. The regulations so established shall be called the State Sanitary Code.

The State Sanitary Code may cover any subject affecting public health, or the preservation and improvement of public health and the prevention of disease in the State of New Jersey, including the immunization against disease of all school children in the State of New Jersey. In addition thereto, and not in limitation thereof, said State Sanitary Code may contain sanitary regulations: (a) prohibiting nuisances hazardous to human health; (b) prohibiting pollution of any water supply; (c) regulating the use of privies and cesspools; (d) regulating the disposition of excremental matter; (e) regulating the control of fly and mosquito breeding places; (f) regulating the detection, reporting, prevention and control of communicable and preventable diseases; (g) reg-

ulating the conduct of public funerals; (h) regulating the conduct of boarding homes for children; (i) regulating the conduct of maternity homes and the care of maternity and infant patients therein; (j) regulating the conducts of camps; (k) regulating the production, distribution and sale of certified milk; (l) regulating the preparation, handling, transportation, burial or other disposal, disinterment and reburial of dead human bodies; and (m) prescribing standards of cleanliness for public eating rooms and restaurants.

Prior to the final adoption by the council of any sanitary regulation or amendment thereto or repealer thereof the council shall hold a public hearing thereon. The council shall cause to be published, at least once, not less than 15 days prior to such hearing, in each of the counties of the State in a newspaper published in each of said counties, or if no newspaper be published in any such county, then in a newspaper circulated in such county, a notice of such hearing, specifying the time when and the place where such hearing will be held, together with a brief summary of the proposed regulation, amendment or repealer and a statement that copies of the text thereof may be obtained from the State Commissioner of Health or from the board of health of any municipality in the State. The State Department of Health shall prepare and make available on request therefor, copies of the text of such proposed regulations and changes therein in the manner described in such public notice.

2. Section 9 of P. L. 1947, c. 177 (C. 26:1A-9), is amended to read as follows:

C. 26:1A-9 Force and effect of code; local regulations; compliance.

9. The provisions of the State Sanitary Code shall have the force and effect of law. Such code shall be observed throughout the State and shall be enforced by each local board of health, the local police authorities and other enforcement agencies. Nothing herein contained however shall be deemed to limit the right of any local board of health to adopt such ordinances, rules and regulations, as, in its opinion, may be necessary for the particular locality under its jurisdiction; but such ordinances, rules and regulations shall not be in conflict with the laws of this State or the provisions of the State Sanitary Code, except, however, that such ordinances, rules and regulations may be more restrictive than the provisions of the State Sanitary Code. Every person, organization or board of education having control of any public or private school in this State shall insure compliance with the State Sanitary Code as it

pertains to the immunization against disease of children attending or having the right to attend such school, including any provision of the code which prohibits attendance by a child who has not been immunized.

3. N. J. S. 18A:40-20 is amended to read as follows:

Immunization at public expense.

18A:40-20. A board of education may provide, at public expense, the necessary equipment, materials and services for immunizing pupils from the diseases which pupils are required to be immunized against by the State Sanitary Code or for diseases against which immunization may be recommended by the State Department of Health.

4. R. S. 26:4-6 is amended to read as follows:

Prohibiting attendance of teachers or pupils.

26:4-6. Any body having control of a school may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable disease, prohibit the attendance of any teacher or pupil of any school under their control and specify the time during which the teacher or scholar shall remain away from school.

- a. (Deleted by amendment.)
- b. (Deleted by amendment.)
- c. (Deleted by amendment.)

C. 26:4-8.1 Equipment, materials and services for immunization.

5. The State Department of Health and Local Boards of Health may provide at public expense, the necessary equipment, materials and services for immunizing people from the diseases which pupils are required to be immunized against by the State Sanitary Code or for diseases against which immunization may be recommended by the State Department of Health.

C. 26:1A-9.1 Exemption from mandatory immunization.

6. Provisions in the State Sanitary Code in implementation of this act shall provide for exemption for pupils from mandatory immunization if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights. This exemption may be suspended by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.

Repealer.

7. R. S. 26:4-7, 26:4-8, N. J. S. 18A:40-13, 18A:40-14, 18A:40-15, 18A:40-21 and 18A:40-22 are hereby repealed.

8. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 151

AN ACT to amend "An act concerning security deposits and to amend and supplement 'An act concerning leasehold estates in relation to deposits to secure performance of leases, and supplementing chapter 8 of Title 46 of the Revised Statutes,' approved January 8, 1968 (P. L. 1967, c. 265)" approved June 21, 1971 (P. L. 1971, c. 223).

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

1. Section 3 of P. L. 1971, c. 223 (C. 46:8-21.1) is amended to read as follows:

C. 46:8-21.1 Return of deposit to tenant.

3. Within 30 days after the expiration of the term of the tenant's lease or licensee's agreement, the owner or lessee shall return by personal delivery, registered or certified mail the sum so deposited plus the tenant's portion of the interest earned thereon, less any charges expended in accordance with the terms of a contract, lease, or agreement. Any such deductions shall be itemized and the tenant or licensee notified thereof by registered or certified mail. In any action by a tenant or licensee for the return of moneys due under this section, the court upon finding for the tenant or licensee shall award recovery of double the amount of said moneys, together with full costs of any action and, in the court's discretion, reasonable attorneys' fees.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 152

AN ACT concerning visitation rights of husbands and wives who are separated with respect to their minor children and supplementing chapter 2 of Title 9 of the Revised Statutes.

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

C. 9:2-7.2 Concealment of whereabouts of child; preliminary hearing as to custody.

1. When any husband and wife shall live in a state of separation without being divorced and shall have any minor child or children of the marriage, and when either spouse shall willfully conceal the whereabouts of said child or children, the juvenile and domestic relations court, upon application of the aggrieved parent, shall conduct a preliminary hearing as to the custody of said child or children and shall make such order relating thereto for the access of either parent to such child at such times and under such circumstances as it may deem proper.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 153

AN ACT concerning the salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates in the several counties, and amending N. J. S. 40A:9-76, 40A:9-92, 40A:9-104, and section 1 of P. L. 1973, c. 61.

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

1. N. J. S. 40A:9-76 is amended to read as follows:

Salary of county clerk in certain counties.

40A:9-76. The board of chosen freeholders in each county, by resolution, shall fix the salary of the county clerk as follows:

In counties having a population in excess of 600,000, not less than \$24,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than \$21,000.00, or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 190,000, but not more than 400,000, not less than \$18,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population of 190,000 or less, not less than \$15,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of county clerk 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. N. J. S. 40A :9-92 is amended to read as follows :

Salary of register of deeds and mortgages in certain counties.

40A :9-92. The board of chosen freeholders in each county, by resolution, shall fix the salary of the register of deeds and mortgages as follows :

In counties having a population in excess of 600,000, not less than \$24,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than \$21,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 190,000, but not more than 400,000, not less than \$18,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population of 190,000 or less, not less than \$15,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of register of deeds and mortgages 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.

3. 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, shall fix the salary of the sheriff as follows:

In counties having a population in excess of 600,000, not less than \$24,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than \$21,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 190,000, but not more than 400,000, not less than \$18,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population of 190,000 or less, not less than \$15,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum.

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.

4. Section 1 of P. L. 1973, c. 61 (C. 2A:5-3.9) is amended to read as follows:

C. 2A:5-3.9 Salary of surrogate in certain counties.

1. The board of chosen freeholders in each county, by resolution, shall fix the salary of the surrogate as follows:

In counties having a population in excess of 600,000, not less than \$24,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than \$21,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population in excess of 190,000, but not more than 400,000, not less than \$18,000.00 or more than the board of chosen freeholders may by resolution duly authorize per annum;

In counties having a population of 190,000 or less, not less than \$15,000.00 or more than the board of chosen freeholders may by resolution duly authorize 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.

5. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 154

AN ACT concerning the annual stated meetings of boards of chosen freeholders, and amending R. S. 40:20-75.

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

1. R. S. 40:20-75 is amended to read as follows:

Annual stated meetings.

40:20-75. The stated annual meeting of the boards of chosen freeholders shall be held at the place of holding the County Court in and for the respective counties at 12 noon on either the first or second day of January or on some other hour on any day during the first week in January, annually, as the board, by resolution passed before said meeting, may determine. If the date so fixed shall fall upon a Sunday the meeting shall be held the following day.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 155

AN ACT to relocate, fix and establish a portion of the boundary line between the township of Dover and the borough of Island Heights, in the county of Ocean.

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

Private act.

WHEREAS, The governing bodies of both municipalities have determined by ordinance duly adopted by each governing body, that the change in that part of the boundary line between the two municipalities hereinafter described is desirable and have requested the Legislature to so provide by law; and

WHEREAS, Both municipalities have requested the Legislature to enact a statute to relocate a portion of their said common boundary line, as set forth and described in section 1 of this act; and

WHEREAS, A Notice of Intention to apply for the passage of this act has been given by publication as required by law; therefore

1. That a portion of the common boundary line between the township of Dover and the borough of Island Heights in the county of Ocean be and the same is hereby relocated, fixed and established so that the following described line shall constitute such relocated boundary line:

a. Beginning at a point in the easterly right of way line of Gilford Avenue where the same is intersected by the centerline of Dillons Creek, which point is distant 230.00 feet on a course South 16 degrees 08 minutes West measured along the easterly line of Gilford Avenue from the southerly line of Elizabeth Avenue in Dover Township and running thence from said beginning:

(1) South 58 degrees 42 minutes 19 seconds East 733.81 feet to a point, which point is distant 450.00 feet on a course South 13 degrees 50 minutes West from the Southerly right of way line of Elizabeth Avenue in Dover Township, thence

(2) South 76 degrees 10 minutes East, parallel to Elizabeth Avenue in Dover Township, and 450.00 feet therefrom, 2055.00 feet to a point, thence

(3) South 13 degrees 50 minutes West 205.00 feet to a point, thence

(4) South 76 degrees 10 minutes East 430.00 feet to a point, thence

(5) South 39 degrees 36 minutes 35 seconds East 339.97 feet to a point, thence

(6) South 54 degrees 53 minutes 59 seconds East 358.41 feet to a point, thence

(7) South 9 degrees 6 minutes 8 seconds East 328.98 feet to a point in the center of the existing harbor entrance, thence

(8) South 24 degrees East, along the centerline of the harbor entrance, 270 feet, more or less, to a point in the low water line of the Toms River, thence

(9) Northeasterly following the low water line of the Toms River 40 feet, more or less, to the existing boundary line between the Township of Dover and the Borough of Island Heights.

It being the intention to describe a proposed new boundary line between the borough of Island Heights, and the Township of Dover extending from the easterly side of Gilford Avenue to the Toms River.

b. The above description is in accordance with a certain map entitled "Map of Boundary Line between the Township of Dover and the Borough of Island Heights, showing proposed revision of Boundary Line, Ocean County, New Jersey, dated February, 1972."

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 156

AN ACT concerning boards of chosen freeholders, and amending
R. S. 40:20-72.

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

1. R. S. 40:20-72 is amended to read as follows:

Salaries of members and directors of small boards of freeholders.

40:20-72. The salaries of the members of the boards of chosen freeholders in counties governed by small boards under the provisions of sections 40:20-2 to 40:20-35 of this Title and in counties governed by boards under the provisions of P. L. 1966, c. 62 (C. 40:20-35.1 et seq.), shall be fixed by the respective boards by resolution as follows:

a. The procedure for introduction, publication, hearing and adoption of said resolution shall be the same as the procedure established by N. J. S. 40A:4-4 for the adoption of a county budget resolution.

b. In counties now or hereafter having a population of not more than 200,000, each member shall receive an annual salary of not more than \$12,000.00; and the director shall receive, in addition to his salary as a member, a sum not exceeding \$1,000.00 per annum;

c. In counties now or hereafter having a population of more than 200,000, but not more than 400,000, each member shall receive an annual salary of not more than \$15,000.00; and the director shall receive, in addition to his salary as a member, a sum not exceeding \$1,000.00 per annum; and

d. In counties now or hereafter having a population of more than 400,000, each member shall receive an annual salary of not more than \$18,000.00; and the director shall receive, in addition to his salary as a member, a sum not in excess of \$1,000.00 per annum.

Salaries of members of boards of chosen freeholders for which a maximum amount is prescribed herein, and additional compensation of directors of boards of chosen freeholders for which a maximum amount is prescribed herein, may, within the limits prescribed herein, be fixed by the respective boards by resolution. Pending the adoption of the aforesaid resolution, pursuant to this act, salaries of members of boards of chosen freeholders and any additional compensation to directors thereof shall continue to be paid as heretofore established. Every such resolution shall specify the date when such salaries shall take effect.

The salaries of members of boards of chosen freeholders referred to in this section, including any additional compensation to directors thereof, shall be in lieu of all fees or other compensation, excepting additional compensation for premiums on group insurance authorized under P. L. 1960, c. 180, and shall be paid in equal installments by the county treasurer as in the case of other county salaries.

2. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 157

AN ACT concerning availability of student loans and supplementing the "Higher Education Assistance Authority Law" (N. J. S. 18A:72-1 et seq.).

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

C. 18A:72-9.1 Administration of direct loan program.

1. The Higher Education Assistance Authority in exercising its powers to make direct loans may establish a separate entity or utilize established agencies to administer the direct loan program, which entity or agencies shall adopt rules subject to the approval of the authority. Loans made by such entity or agencies shall be subject to the same criteria as to amount, interest and payment as are other loans authorized by the "Higher Education Assistance Authority Law," N. J. S. 18A:72-1 et seq., and shall be given to students who are eligible for loans under the terms and conditions of that law but have been unable to secure them.

C. 18A:72-9.2 Authority to inform and advise public of criteria for and availability of loans.

2. In order to insure that the citizens of New Jersey are aware that loans may be obtained by eligible students under the provisions of the "Higher Education Assistance Authority Law," N. J. S. 18A:72-1 et seq., without the necessity of demonstrating financial need, the authority shall immediately and prior to each academic year hereafter take suitable action to inform and advise the public, through advertisement or any other means, of the criteria for and availability of loans for students under the provisions of said law.

3. No loans shall be granted pursuant to this act with respect to any academic year prior to that which commences in September of 1974.

4. This act shall take effect immediately.

Approved November 11, 1974.

CHAPTER 158

AN ACT to validate certain proceedings for the establishment of free public libraries.

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 municipality or at any municipal general or special election for the establishment of a free public library pursuant to the provisions of R. S. 40:54-1 et seq. are hereby ratified, validated and confirmed notwithstanding that public notice of such general or special election was not signed by the municipal clerk and set up in at least five public places in the municipality for at least 10 days previous to the date of such election and published for the same period in two newspapers printed or circulated therein as required by R. S. 40:54-3, provided, however, that public notice of such general or special election was published at least 10 days previous to the date of such election in a newspaper printed or circulated therein; 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 November 11, 1974.

CHAPTER 159

AN ACT establishing a State trails system consisting of scenic, recreation and connecting or side trails; providing for the designation, administration, regulation and acquisition of such trails and trail rights-of-way by the Department of Environmental Protection and providing penalties for violations.

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

C. 13:8-30 Short title.

1. This act shall be known and may be cited as the "New Jersey Trails System Act."

C. 13:8-31 Legislature's findings; declaration of policy.

2. a. The Legislature hereby finds that in order to provide for the ever-increasing outdoor recreation needs of an expanding population, and in order to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural and remote areas of this State trails should be established both in natural and scenic areas of New Jersey, and in and near the urban areas of this State.

b. The Legislature, therefore, declares that it is the policy of this State to provide the means for attaining these objectives by instituting a Statewide system of recreation and scenic trails, by designating the Appalachian trail as the initial component of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

C. 13:8-32 Definitions.

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

a. "Department" means the Department of Environmental Protection.

b. "Commissioner" means the Commissioner of Environmental Protection.

c. "Scenic easement" means a perpetual easement in land which (1) is held for the benefit of the public (2) is specifically enforceable by its holder or beneficiary, and (3) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

d. "Scenic trail" means an extended trail so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass.

C. 13:8-33 Composition of State trails system.

4. The State trails system shall be composed of the following classes of trails:

a. State scenic trails, which will be extended trails so located as to provide maximum potential for the appreciation of natural areas and for the conservation and enjoyment of the significant scenic, historic, natural, ecological, geological, or cultural qualities of the areas through which such trails may pass. Each of these trails will be limited exclusively to foot use, except that the use by horses or nonmotorized bicycles may also be permitted on segments of scenic trails where deemed appropriate by the department.

b. State recreation trails, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

c. Connecting or side trails, which will provide additional points of public access to State scenic or recreation trails or which will provide connections between such trails. They shall be of the nature of the trails they serve.

C. 13:8-34 Department of Environmental Protection to establish State trails system; uniform marker.

5. a. The department is hereby authorized, empowered, and directed to establish a State trails system of recreation trails, scenic trails and connecting or side trails in the State composed of (1) the Appalachian trail, and (2) such other trails that are established or designated from time to time by the department under the provisions of this act.

b. The department, in consultation with appropriate Federal, State, and local governmental agencies and public and private organizations, shall establish a uniform marker for the trails system, and shall coordinate the trails system with the National trails system established under applicable provisions of Federal law.

C. 13:8-35 Recreation and scenic trails; Appalachian trail; side trails; establishment.

6. a. The department may establish and designate recreation and scenic trails over lands administered by it.

b. There is hereby established as the initial scenic trail the Appalachian trail, which shall be administered primarily as foot-path by the department, provided, however, that nothing herein contained shall be construed as amending, repealing or superseding the provisions of P. L. 1973, c. 54 (C. 13:8-29), except as specifically provided herein.

c. Connecting or side trails within park, forest, and other recreation areas or natural areas may be established, designated and marked as components of a recreation or scenic trail.

C. 13:8-36 Selection of route; right-of-way.

7. a. The selected route shall be compatible with the preservation or enhancement of the environment it traverses, and the boundaries of the right-of-way shall be established in such a manner that they protect the scenic values of the trail.

b. In selecting rights-of-way, the department shall give full consideration to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the trails system shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.

C. 13:8-37 Use of State lands for trail purposes; acquisition of land.

8. The department may use for trail purposes lands owned by the State, with the concurrence of the head of the administering agency, and may acquire lands or interests in land by scenic easements, written cooperative agreement, eminent domain, donation, purchase with donated or appropriated funds, or exchange. Acquisition of land or interest shall be accomplished with all possible speed.

C. 13:8-38 Management of trails.

9. Within the external boundaries of the right-of-way, the natural vegetation shall be kept undisturbed except for any clearing required for construction of the trail, occasional vistas, or trail-use facilities. The department shall make every effort to avoid any use of the right-of-way that is incompatible with the purposes for which the trails were established. Development and management of each segment of the State trails system shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continual maximum benefits from the land. Other uses along the trail which will not substantially interfere with the nature and purposes of the trail may be permitted by the department.

State scenic trails shall be managed in such a way as to maintain their natural and scenic quality.

C. 13:8-39 Development and maintenance of trails.

10. a. The department shall provide for the development and maintenance of trails established under this act and shall cooperate with and encourage other State agencies to operate, develop and maintain portions of such trails which are located in areas administered by such agencies.

b. When deemed to be in the public interest, the department may enter into written cooperative agreements with local governments, landowners, private organizations or individuals to operate, develop and maintain any portion of a recreation or scenic trail.

C. 13:8-40 Departmental studies as to feasibility of designating additional trails.

11. The department shall make studies for the purpose of determining the feasibility and desirability of designating additional trails as recreation or scenic trails.

C. 13:8-41 Review of formal declarations of railroad right-of-way abandonments.

12. The department shall review all formal declarations of railroad right-of-way abandonments by the Interstate Commerce Commission or other Federal agencies, for possible inclusion into the State trails system.

C. 13:8-42 Rules and regulations.

13. The commissioner may adopt and promulgate pursuant to law, rules and regulations governing the use, protection, management, development and administration of the trails system and such other rules and regulations as he deems necessary to effectuate the purposes of this act.

C. 13:8-43 Penalties.

14. Any person violating any provision of this act or any rule or regulation promulgated thereunder shall be liable to a penalty of not more than \$50.00 to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

C. 13:8-44 Use of sums appropriated for purposes of acquisition of lands or interests.

15. The commissioner may use any sum hereafter appropriated by any act from the proceeds of the sale of bonds under the New Jersey Green Acres Land Acquisition Act of 1971, P. L. 1971, c. 419 (C. 13:8A-19 et seq.), and such other sums as may be appropriated for like purposes for the acquisition of lands or interests therein for the purposes of this act.

16. This act shall take effect immediately.

Approved November 14, 1974.

CHAPTER 160

AN ACT concerning employment rights in the State, counties, municipalities and school districts of persons with criminal records, amending R. S. 11:9-2, 11:9-6, 11:17-1 and 11:23-2, amending and supplementing "An act concerning discrimination against eligibles certified for appointment in the competitive class in civil service, and supplementing chapter 10 of Title 11 of the Revised Statutes," approved August 8, 1939 (P. L. 1939, c. 322).

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

1. R. S. 11:9-2 is amended to read as follows:

Eligibility of applicants for tests; nonresidents admitted; unskilled and semiskilled laborers tested.

11:9-2. The tests mentioned in section 11:9-1 of this Title shall be competitive, free, and except as to such limitations as to age, residence, health, sex and other qualifications as may be lawfully considered relevant by the chief examiner and secretary and specified in the Civil Service Examination Announcement Bulletin or other civil service examination announcement, open to citizens who may be lawfully appointed to any position in the class for which they are held, who have resided in this State for at least 12 months prior to the date of the test.

If it appears that an employment list containing sufficient names to provide a full certification to fill existing or anticipated vacancies is not likely to be established from among qualified residents in the State, the chief examiner and secretary may, with the approval of the commission, admit qualified citizens of the United States to such tests.

For positions involving unskilled and semiskilled laboring work, or involving domestic, attending, or other housekeeping and custodial services at State institutions where the character of the work, the relatively low rate of compensation, or the place of work, makes it impracticable to secure at stated times a sufficient number of applicants to supply the needs of the service, the chief examiner and secretary may, with the approval of the commission, provide by regulation for a procedure permitting the testing of applicants singly or in groups at stated places for laboring work, and at State institutions or elsewhere for domestic, attending, housekeeping or

custodial service at any time on due notice of such tests, but without public advertising as required in this chapter.

2. R. S. 11:9-6 is amended to read as follows:

Refusal to examine applicant or to certify eligible; retest after rehabilitation; review of refusal.

11:9-6. The chief examiner and secretary shall reject the application of a person for admission to a test for establishing an employment list, or refuse to test an applicant or certify the name of an eligible, who:

- a. Lacks the established qualification requirements for the position for which he applies or has been tested; or
- b. Is physically unfit to perform effectively the duties of the position in which he seeks employment; or
- c. Has within 4 months of the application been addicted to the habitual use of drugs or intoxicating liquors; or
- d. (Deleted by amendment.)
- e. Has been dismissed from the public service for delinquency; or

f. Has made false statements of a material fact or practiced or attempted to practice any deception or fraud in his application, in his tests or in securing his eligibility or appointment.

If, however, it shall appear that any such person, who is ineligible under subparagraph e. hereof, has achieved a degree of rehabilitation that indicates that his or her employment would not be incompatible with the welfare of society and the aims and objectives to be accomplished by the agency of government where such person is to be employed, then the chief examiner and secretary may, provided that the appointing authority of the employing agency shall concur therein, admit such person to appropriate tests, and subsequently certify such person as eligible for employment. When the chief examiner and secretary refuses to examine an applicant or after examination to certify an eligible, the Civil Service Commission shall afford such person an opportunity to submit facts for consideration in a review of the refusal.

3. Section 1 of P. L. 1939, c. 322 (C. 11:10-6.1) is amended to read as follows:

C. 11:10-6.1 Discrimination against eligibles certified for appointment; statement of reasons for appointment; exceptions.

1. Except as herein provided, whenever in making an appointment to any position in the competitive class, pursuant to chapter 10 of Title 11 of the Revised Statutes, from among those graded highest in an open competitive examination, an appointing

officer shall appoint or give employment to any person graded lower in such examination than any other person or persons whom such appointing officer might lawfully have appointed to or given employment in such position, and who was willing to accept such position or employment, such appointing officer shall within 5 days after making such appointment or giving such employment enter upon the records of his office the statement in writing of his reasons for appointing or giving employment to the person so appointed or given employment, and his reasons for failing to appoint or to give employment to the person or persons so graded higher in such examination, and shall, within the same period, transmit a copy of such statement to the commission, certifying under oath that the said statement is a true and complete statement of his reasons for the acts referred to therein, and that such acts were not done by reason of race, color, political faith, creed, national origin, ancestry, marital status, sex or prior criminal record of any person so appointed or given employment, or any person not appointed or given employment, except that sex may be a reason for such acts if R. S. 11:22-17 is applicable, and except that such prior criminal record may be a reason for such acts if N. J. S. 2A:93-5 is applicable or if the criminal record includes a conviction for a crime that relates adversely to the employment sought. In determining that a conviction for a crime relates adversely to the employment sought, the appointing officer shall explain in writing how the following factors, or any other factors, relate to the employment sought:

- a. The nature and duties of the position for which the person is applying;
- b. Nature and seriousness of the crime;
- c. Circumstances under which the crime occurred;
- d. Date of the crime;
- e. Age of the person when the crime was committed;
- f. Whether the crime was an isolated or repeated incident;
- g. Social conditions which may have contributed to the crime;
- h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendations of persons who have or have had the applicant under their supervision.

Until such certified statement is filed as herein provided, the Civil Service Commission shall not include in the payroll the name of the person so appointed or given employment. The Civil Service

Commission shall afford any person denied an appointment or employment pursuant to this section an opportunity to submit facts for consideration in a review of the denial.

The presentation to an appointing officer of evidence of a pardon or of the expungement of a criminal conviction, pursuant to N. J. S. 2A:164-28, or of a certificate of the Federal or State Parole Board, or of the Chief Probation Officer of a United States District Court or a county who has supervised the applicant's probation, that the applicant has achieved a degree of rehabilitation indicating that his engaging in the proposed employment would not be incompatible with the welfare of society shall preclude an appointing officer, other than appointing officer of a corrections or law enforcement agency, from considering the prior criminal record as a reason for failing to appoint or to give employment to any person.

4. R. S. 11:17-1 is amended to read as follows:

Discrimination on account of arrest, race, color, national origin, sex, or political or religious opinions prohibited.

11:17-1. Except as herein provided, no person in or seeking admission to the classified service shall be appointed, demoted or removed or be favored or discriminated against on account of any arrest or on account of race, creed, color, national origin, ancestry, marital status, sex or political or religious opinions or affiliations. Except as herein provided, no question asked orally or contained in a test or on any form used in connection with the carrying out of the provisions of this subtitle shall relate to any arrest or to the race, creed, color, national origin, ancestry, marital status, or political or religious opinions or affiliations of a competitor, prospective competitor or eligible on an employment or reemployment list established and maintained by the commission and chief examiner and secretary.

Any person in or seeking admission to the classified service may be questioned as to any arrest resulting in criminal charges pending at the time of the questioning, and as to the circumstances of any conviction for a crime.

Employees of, and applicants for employment with, corrections or law enforcement agencies, may be questioned as to any arrest.

5. R. S. 11:23-2 is amended to read as follows:

Refusal to examine applicant or to certify eligible; retest after rehabilitation; review of refusal.

11:23-2. The chief examiner and secretary may refuse to examine an applicant, or after examination to certify an eligible who:

a. Lacks any of the established preliminary requirements for examination or position or employment for which he applies; or

b. Is so physically disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment; or

c. Has within 4 months of the application been addicted to the habitual use of drugs or intoxicating liquors; or

d. (Deleted by amendment.)

e. Has been dismissed from the public service for delinquency or misconduct; or

f. Has made false statements of any material fact, or practiced or attempted to practice deception or fraud in his application, examination or in securing his eligibility or appointment.

If, however, it shall appear that any such person, who is ineligible under subparagraph e. hereof has achieved a degree of rehabilitation that indicates that his or her employment would not be incompatible with the welfare of society and the aims and objectives to be accomplished by the agency of government where such person is to be employed, then the chief examiner and secretary with the concurrence of the appointing authority may admit such person to appropriate tests, and subsequently certify such person as eligible for employment. When the chief examiner and secretary refuses to examine an applicant or after examination to certify an eligible, the Civil Service Commission shall afford such person an opportunity to submit facts for consideration in a review of the refusal.

6. This act shall take effect immediately.

Approved November 15, 1974.

CHAPTER 161

AN ACT relating to the licensing of rehabilitated convicted offenders, and to amend the Title of "An act relating to employment qualifications of rehabilitated convicted offenders," approved September 4, 1968 (P. L. 1968, c. 282), so that the same shall read "An act relating to licensing qualifications of rehabilitated convicted offenders," and to amend and supplement the body of said act.

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

1. The title of P. L. 1968, c. 282 is amended to read as follows:

Title amended.

AN ACT relating to licensing qualifications of rehabilitated convicted offenders.

2. Section 1 of P. L. 1968, c. 282 (C. 2A:168A-1) is amended to read as follows:

C. 2A:168A-1 Legislature's findings.

1. The Legislature finds and declares that it is in the public interest to assist the rehabilitation of convicted offenders by removing impediments and restrictions upon their ability to obtain employment or to participate in vocational or educational rehabilitation programs based solely upon the existence of a criminal record.

Therefore, the Legislature finds and declares that notwithstanding the contrary provisions of any law or rule or regulation issued pursuant to law, a person shall not be disqualified or discriminated against by any licensing authority because of any conviction for a crime, unless N. J. S. 2A:93-5 is applicable or unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought.

3. Section 2 of P. L. 1968, c. 282 (C. 2A:168A-2) is amended to read as follows:

C. 2A:168A-2 Authority to disqualify or discriminate against applicant for license; certificate or admission to examination under certain circumstances; exception.

2. Notwithstanding the contrary provisions of any law or rule or regulation issued pursuant to law, no State, county or municipal department, board, officer or agency, hereinafter referred to as "licensing authority" authorized to pass upon the qualifications of any applicant for a license or certificate of authority or qualification to engage in the practice of a profession or business or for admission to an examination to qualify for such a license or certificate may disqualify or discriminate against an applicant for a license or certificate or an application for admission to a qualifying examination on the grounds that the applicant has been convicted of a crime, or adjudged a disorderly person, except that a licensing authority may disqualify or discriminate against an applicant for a license or certificate if N. J. S. 2A:93-5 is applicable or if a conviction for a crime relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought. In determining that a conviction for a crime relates adversely to the occupation, trade, vocation, profession or business,

the licensing authority shall explain in writing how the following factors, or any other factors, relate to the license or certificate sought:

- a. The nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying;
- b. Nature and seriousness of the crime;
- c. Circumstances under which the crime occurred;
- d. Date of the crime;
- e. Age of the person when the crime was committed;
- f. Whether the crime was an isolated or repeated incident;
- g. Social conditions which may have contributed to the crime;
- h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

4. Section 3 of P. L. 1968, c. 282 (C. 2A:168A-3) is amended to read as follows:

C. 2A:168A-3 Presentation of certain evidence to licensing authority.

3. The presentation to a licensing authority of evidence of a pardon or of the expungement of a criminal conviction, pursuant to N. J. S. 2A:164-28, or of a certificate of the Federal or State Parole Board, or of the Chief Probation Officer of a United States District Court or a county who has supervised the applicant's probation, that the applicant has achieved a degree of rehabilitation indicating that his engaging in the proposed employment would not be incompatible with the welfare of society shall preclude a licensing authority from disqualifying or discriminating against the applicant.

C. 2A:168A-4 Disqualification or discrimination on certain grounds.

5. (New section) A licensing authority may disqualify or discriminate against an applicant for a license or certificate on the grounds that the applicant has within 4 months of the application for admission to a qualifying examination been addicted to the habitual use of drugs or intoxicating liquors.

C. 2A:168A-5 Permission for regulated employment.

6. (New section) Notwithstanding the contrary provisions of any law or rule or regulation issued pursuant to law, any licensing authority may permit any person subject to correctional super-

vision in this State to engage in regulated employment pursuant to an approved program of vocational or educational rehabilitation.

C. 2A:168A-6 Applicability of act.

7. (New section) This act shall not be applicable to any law enforcement agency; however, nothing herein shall preclude a law enforcement agency in its discretion from adopting the policies and procedures set forth herein.

8. This act shall take effect immediately.

Approved November 15, 1974.

CHAPTER 162

AN ACT concerning school buses, amending R. S. 39:1-1 and supplementing article 2, chapter 3 of Title 39.

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

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

Definitions.

39:1-1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

“Alley” means a public highway wherein the roadway does not exceed 12 feet in width.

“Authorized emergency vehicles” means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

“Automobile” includes all motor vehicles except motorcycles.

“Berm” means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

“Business district” means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

“Commercial motor vehicle” includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

“Commissioner” means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

“Crosswalk” means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

“Dealer” includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

“Department” means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

“Deputy commissioner” means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Deputy director” means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Director” means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Division” means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

“Driver” means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

“Flammable liquid” means any liquid having a flashpoint below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

“Gross weight” means the combined weight of a vehicle and any load thereon.

“Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Horse” includes mules and all other domestic animals used as draught animals or beasts of burden.

“Inside lane” means the lane nearest the center line of the roadway.

“Intersection” means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

“Laned roadway” means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

“Limited-access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a “freeway” or “parkway” by authority of law.

“Local authorities” means every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this State, including every county board of chosen freeholders with relation to county roads.

“Magistrate” means any municipal court, county district court, criminal judicial district court, County Court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Manufacturer” means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

“Metal tire” means every tire the surface of which in contact

with the highway is wholly or partly of metal or other hard non-resilient material.

“Motorcycle” includes motorcycles, motor bikes, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with driver sitting astride or upon it, or a platform on which the driver stands.

“Motor-drawn vehicle” includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

“Noncommercial truck” means every motor vehicle designed primarily for transportation of property, and which is not a “commercial vehicle.”

“Official traffic control devices” means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

“Omnibus” includes all motor vehicles used for the transportation of passengers for hire, except school buses if the same are not otherwise used in the transportation of passengers for hire.

“Operator” means a person who is in actual physical control of a vehicle or street car.

“Outside lane” means the lane nearest the curb or outer edge of the roadway.

“Owner” means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

“Parking” means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

“Passenger automobile” means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

“Pedestrian” means a person afoot.

“Person” includes natural persons, firms, copartnerships, associations, and corporations.

“Pneumatic tire” means every tire in which compressed air is designed to support the load.

“Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally of sustaining themselves as beams between the supporting connections.

“Private road or driveway” means every road or driveway not open to the use of the public for purposes of vehicular travel.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

“Residence district” means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

“Right-of-way” means the privilege of the immediate use of the highway.

“Road tractor” means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

“Safety zone” means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

“School bus” means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the

regulations of the Department of Education affecting school buses including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle must comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Institutions and Agencies whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle must comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Institutions and Agencies whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway, and the adjacent right of way line.

“Sign.” See “Official traffic control devices.”

“Slow moving vehicle” means a vehicle run at a speed less than the maximum speed then and there permissible.

“Solid tire” means every tire of rubber or other resilient material which does not depend upon compressed air for support of the load.

“Street” means the same as highway.

“Street car” means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

“Stop,” when required, means complete cessation from movement.

“Stopping or standing,” when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

“Through highway” means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

“Trackless trolley” means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

“Traffic” means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

“Traffic control signal” means a device whether manually, electrically, mechanically, or otherwise controlled by which traffic is alternately directed to stop and to proceed.

“Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

“Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Vehicle” means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

C. 39:3-19.2 Authority to issue license plate.

2. The Director of Motor Vehicles shall have the authority to issue upon application therefore a license plate for school vehicles marked "School Vehicle Type I" or "School Vehicle Type II" as the application may indicate is warranted in accordance with the definition of these vehicles contained in R. S. 39:1-1 for the annual registration period beginning July 1 effective through June 30.

No fee shall be charged the United States government, the State of New Jersey, a local school district, a regional school district, or a county vocational or technical school upon application for a Type I or Type II school vehicle license plate.

All other applicants for license plates herein authorized of the "School Vehicle Type I" kind shall pay an annual registration fee of \$40.00. All other applicants for license plates herein authorized of the "School Vehicle Type II" shall pay an annual registration fee of \$25.00.

C. 39:3-19.3 Applicability of act.

3. The provisions of this act shall not apply to buses used in common carrier line service and school transportation service whose owner meets the qualifications prescribed in R. S. 39:3-19.

4. This act shall take effect immediately.

Approved December 2, 1974.

CHAPTER 163

AN ACT concerning school buses and amending R. S. 48:4-1.

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

1. 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 buses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airport;

c. Buses operated for the transportation of enrolled children and adults only when serving as chaperons to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, pre-school center or other similar places of education, including "School Vehicle Type I" and "School Vehicle Type II" as defined in R. S. 39:1-1.

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 autobuses by the person owning or leasing such bus or buses pursuant to a contract, agreement or arrangement to furnish an autobus or autobuses and a driver or drivers thereof to a person, group of persons or organization (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 autobuses 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.

2. This act shall take effect immediately.

Approved December 2, 1974.

CHAPTER 164

AN ACT to amend and supplement "An act concerning the marketing of open or closed packages containing potatoes, providing penalties and making an appropriation," approved June 25, 1963 (P. L. 1963, c. 116).

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

1. Section 5 of P. L. 1963, c. 116 (C. 4:10-38) is amended to read as follows:

C. 4:10-38 Rules and regulations.

5. In order to provide for the orderly marketing of potatoes, the board, in accordance with the Administrative Procedure Act (P. L. 1968, c. 410, C. 52:14B-1 et seq.) may adopt rules and regulations not inconsistent with this act, for the enforcement thereof.

2. Section 6 of P. L. 1963, c. 116 (C. 4:10-39) is amended to read as follows:

C. 4:10-39 Enforcement of act by secretary; powers.

6. The secretary is charged with the enforcement of this act and for that purpose the secretary or his authorized agents shall have power:

(a) To enter and inspect all premises and places within the State where potatoes are produced, packed or stored for sale, shipped, delivered for shipment, offered or exposed for sale, or sold, and to inspect such places and all potatoes, potato containers and equipment found in any such places.

(b) To issue and enforce a written "stop sale, use, or removal" order to the owner or custodian of any packages of potatoes found improperly marked in violation of any provisions of this act, or rule or regulation adopted hereunder. Such order may require that the packages be held at a designated place until such packages of potatoes have been properly marked under this act, or rule or

regulation adopted hereunder, and released by the secretary or his authorized agent.

3. Section 7 of P. L. 1963, c. 116 (C. 4:10-40) is amended to read as follows:

C. 4:10-40 Violations; penalties; jurisdiction and venue; injunctive relief.

7. Any person who violates any provision of this act, or the rules and regulations issued pursuant thereto, shall be liable to a penalty of not less than \$50.00 nor more than \$100.00 for the first offense and a penalty of not less than \$100.00 nor more than \$200.00 for the second offense occurring within 1 year. Persistent violators who commit a third or subsequent offense within 1 year shall be liable to a penalty of not less than \$300.00 nor more than \$500.00 for each such offense. Every day upon which a violation occurs shall be considered to be a separate violation.

Penalties set forth in this act shall be sued for by and in the name of the secretary and shall be recoverable with costs. County district courts and municipal courts shall have jurisdiction to enforce the provisions of this act and of any rule or regulation issued pursuant thereto. Any proceeding for a violation of this act may be brought in the county or municipality where the violator resides, has a place of business or principal office or where the act or omission or part thereof complained of occurred. The proceeding shall be summary in nature and in accordance with the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

The secretary may institute an action in the Superior Court for injunctive relief to prevent and restrain any violation of this act or any rules or regulations issued pursuant thereto.

C. 4:10-39.1 Hearings upon violation; assessment of penalty.

4. Upon receiving any information of a violation of any provision of this act or of any rule or regulation adopted thereunder, the secretary or any agent designated by him for such purpose, is empowered to hold hearings upon said violation and, upon finding the violation to have been committed, to assess a penalty against the violator in such amount, not to exceed the maximum limit set forth in section 7 of P. L. 1963, c. 116 (C. 4:10-40), as the secretary deems proper under the circumstances. If the violator pays such penalty as settlement, no further prosecution shall be had upon that violation. Payment of such a penalty shall be deemed equivalent to a conviction for violation of this act.

C. 4:10-39.2 Cooperation with federal government and other states.

5. The secretary may cooperate with and enter into agreements

with agencies of this and other states, the Federal Government and private associations in order to carry out the purpose and provisions of this act and the act of which this act is amendatory and supplementary.

6. This act shall take effect 30 days after enactment.

Approved December 5, 1974.

CHAPTER 165

AN ACT concerning the undertaking and financing of sewerage system projects by or for sewerage authorities and participation therein and assistance thereof by counties, municipalities and other public bodies, and amending the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138).

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

1. Section 23 of P. L. 1946, c. 138 (C. 40:14A-23) is amended to read as follows:

C. 40:14A-23 Contracts for collection, treatment or disposal of sewage; powers of sewerage authority.

23. Any sewerage authority, for the carrying out and effectuation of its purposes, and (a) any of the local units or (b) any other municipality whether within or without the district and (c) any other sewerage authority, any municipal authority or any other public body of the State empowered to treat or dispose of sewage (all such local units, municipalities, other sewerage authorities, municipal authorities and other public 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 sewerage 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 sewerage authority, or originating in the territorial area of or collected by the governmental unit, by means of the sewerage system or any sewage facilities of the governmental unit or both, and the cost and expense of such collection, treatment and disposal. Such contract or contracts may provide for the payment to the sewerage

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 subsection (b) of section 8 of this act or in any other manner, as said contract or contracts may provide, and the sum or sums so payable may include provision for all or any part or a share of the amounts necessary (1) to pay or provide for the expenses of operation and maintenance of the sewerage system, including without limitation insurance, extension, betterments and replacements and the principal of and interest on any bonds, and (2) to provide for any deficits resulting from failure to receive sums payable to the sewerage authority by such governmental unit, any other governmental unit or county, or any person, or from any other cause, and (3) to maintain such reserves or sinking funds for any of the foregoing as may be required by the terms of any contract of the sewerage authority or as may be deemed necessary or desirable by the sewerage authority. Any such contract may provide that the sum or sums so payable to the sewerage authority shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the sewerage 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 sewerage authority and determined by it to be necessary for its purposes prior to the placing in operation of the sewerage system and may provide for the payment by the governmental unit to the sewerage authority for application to such expenses or indebtedness therefor such sum or sums of money, computed as said contract or contracts may provide and as the governing body (hereinafter described) of the governmental unit shall, by virtue of its authorization of and entry into said contract or contracts, determine to be necessary for the purposes of the 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 sewerage 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 sewerage 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. Any contract heretofore or hereafter entered into pursuant to authority of this section shall be valid and shall be binding upon the parties thereto whether or not the terms or test of said contract had been set forth in full or stated in any ordinance or resolution authorizing such contract provided the form of such contract had been filed as aforesaid and the place and fact of such filing was described in such ordinance. 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 sewerage 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 sewerage 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 sewerage 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 the governmental unit.

2. This act shall take effect immediately.

Approved December 6, 1974.

CHAPTER 166

AN ACT appropriating certain funds from the State Recreation and Conservation Land Acquisition Fund for the acquisition of 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 \$7,974,635.00 for the purpose of acquisition of lands by the State for recreation and conservation purposes.

2. This act shall take effect immediately.

Approved December 9, 1974.

CHAPTER 167

AN ACT concerning exemption from taxation of real property owned by certain nonprofit corporations and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-3.63 Legislature's findings.

1. The Legislature hereby finds and declares that natural open space areas for public recreation and conservation purposes are rapidly diminishing; that public funds for the acquisition and maintenance of public open space should be supplemented by private individuals and conservation organizations; and that it is therefore in the public interest to encourage the dedication of privately-owned open space to public use and enjoyment as provided for in this act.

C. 54:4-3.64 Exemption from taxation of real property owned by certain nonprofit corporations.

2. All lands and the improvements thereon actually and exclusively used for conservation or recreation purposes, owned and maintained or operated for the benefit of the public by a nonprofit corporation or organization organized under the laws of this or

any State of the United States authorized to carry out the purposes on account of which the exemption is claimed and which is qualified for exemption from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code shall be exempt from taxation; provided, however, that the Commissioner of the Department of Environmental Protection certifies that the real property and the property owner are qualified under the terms of this act.

C. 54:4-3.65 Filing of application with commissioner; contents.

3. Each owner of real property claiming the tax exemption provided by this act shall file the original and one copy of its initial application for certification with the Commissioner of the Department of Environmental Protection on or before August 1 of the pretax year on such forms as the commissioner shall prescribe. Such application shall include, but not be limited to, the following information: the taxing district in which the real property is located, the block and lot number of the property, a physical description of the land and improvements, a plan for the use and preservation of the property, a statement of the uses which may be made of the property by the public, and a statement of the terms under which the public may gain access to and enjoy the use of such lands. The application shall be accompanied by documentation to establish the organization and purposes of the property owner and its entitlement to exemption from Federal income tax under Section 501 (c) (3) of the Internal Revenue Code.

C. 54:4-3.66 Certification of real property.

4. The Commissioner of the Department of Environmental Protection may certify that the real property is maintained or operated for the benefit of the public only if he finds, after a public hearing on the application has been held, that the real property for which an application for tax exemption is made is open to all on an equal basis and that a tax exemption for such property would be in the public interest. Restrictions on the use of such real property by the public may be permitted if the commissioner finds that they are necessary for proper maintenance and improvement of the property or that significant natural features of the land may be adversely affected by unrestricted access. The commissioner may authorize that reasonable charges may be made for entrance onto or use of such real property. The commissioner may consult with the Natural Areas Council in making a determination as to whether the granting of a certificate for the real property covered by the application would serve the public interest.

C. 54:4-3.67 Certification of qualification under terms of act.

5. The Commissioner of the Department of Environmental Protection shall on or before September 15 of the pretax year certify that a property owner and the real property for which an exemption is claimed are qualified under the terms of this act and that a tax exemption would be in the public interest. The commissioner shall forthwith deliver such certification to the property owner and the tax assessor of the taxing district in which the real property is located.

C. 54:4-3.68 Provisions applicable to tax exemption.

6. The tax exemption established by this act shall be granted or revoked pursuant to the provisions of P. L. 1951, c. 135 (C. 54:4-4.4), except as otherwise provided herein.

C. 54:4-3.69 Roll-back taxes.

7. When real property which is exempted under the provisions of this act is applied to a use other than for conservation or recreation purposes, it shall be subject to taxes, hereinafter referred to as roll-back taxes, in an amount equal to the taxes which would have been payable on such property had it not been exempt, in the current tax year (the year of sale or change in use) and in each of the 2 tax years immediately preceding in which the real property was exempt, with interest compounded at 8% annually; provided, however, that no such roll-back taxes shall be payable when the property is sold, leased, donated or otherwise conveyed to a public agency, nonprofit corporation or organization.

C. 54:4-3.70 Power of commissioner.

8. The Commissioner of the Department of Environmental Protection in consultation with the Director of the Division of Taxation shall have the power to adopt, amend and repeal administrative rules to effectuate the purposes of this act.

C. 54:4-3.71 Severability.

9. If the provisions of any section or clause of this act or any administrative rule or order adopted hereunder or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or clause of this act or any administrative rule or order adopted hereunder or the application of any part thereof to any person or circumstance and to this end, the provisions of each

section and clause of this act and administrative rule or order are hereby declared to be severable.

10. This act shall take effect immediately.

Approved December 9, 1974.

CHAPTER 168

AN ACT concerning county taxes and supplementing Title 54 of the Revised Statutes.

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

C. 54:4-49.1 Taxes in default or uncollectible not included in total ratables; maintenance of records.

1. Notwithstanding any provisions of the law to the contrary, any real property on which local property taxes are in default and are uncollectible except Class II railroad property, and the lien therefor unenforceable by reason of any order of any State or Federal court, shall not be included in the total ratables of the taxing district wherein such real property is located for the purpose of apportioning the amount to be raised for county and free county library purposes, and for purposes of regional and consolidated school districts and school districts comprising two or more taxing districts. The county board of taxation shall maintain appropriate records showing the value of such real property not included in the total ratables in the apportioning of county taxes, and determine and record the amount of such taxes annually attributable thereto. When by reason of the rescinding of the State or Federal court order, or otherwise, the taxes in default or uncollectible on such real property are collected by a taxing district, the amount of county taxes attributable to such real property for prior years, as determined by the county board, shall be paid by the taxing district to the county.

2. This act shall take effect immediately.

Approved December 9, 1974.

CHAPTER 169

AN ACT concerning the commencement of actions for the protection of the environment and the public interest therein.

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

C. 2A:35A-1 Short title.

1. This act shall be known and may be cited as the "Environmental Rights Act."

C. 2A:35A-2 Legislature's findings.

2. The Legislature finds and determines that the integrity of the State's environment is continually threatened by pollution, impairment and destruction, that every person has a substantial interest in minimizing this condition, and that it is therefore in the public interest to enable ready access to the courts for the remedy of such abuses.

C. 2A:35A-3 Definitions.

3. For the purposes of this act, the following words and phrases shall have the following meanings:

a. "Person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies, individuals, the State, any political subdivision of the State and any agency or instrumentality of the State or of any political subdivision of the State.

b. "Pollution, impairment or destruction of the environment" means any actual pollution, impairment or destruction to any of the natural resources of the State or parts thereof. It shall include, but not be limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper disposal of refuse, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds or other water resources, destruction of seashores, dunes, wetlands, open spaces, natural areas, parks or historic areas.

C. 2A:35A-4 Action in court; declaratory and equitable relief; dismissal.

4. a. Any person may maintain an action in a court of competent jurisdiction against any other person to enforce, or to restrain the violation of, any statute, regulation or ordinance which is designed to prevent or minimize pollution, impairment or destruction of the environment.

b. Except in those instances where the conduct complained of constitutes a violation of a statute, regulation or ordinance which establishes a more specific standard for the control of pollution, impairment or destruction of the environment, any person may maintain an action in any court of competent jurisdiction for declaratory and equitable relief against any other person for the protection of the environment, or the interest of the public therein, from pollution, impairment or destruction.

c. The court may, on the motion of any party, or on its own motion, dismiss any action brought pursuant to this act which on its face appears to be patently frivolous, harassing or wholly lacking in merit.

C. 2A:35A-5 Prima facie evidence; rebuttal; affirmative defense; application of rules concerning burden of proof and weight of evidence.

5. In any action brought pursuant to section 4 hereof, when the plaintiff in the action has made a prima facie showing that the conduct of the defendant has, or is polluting, impairing or destroying the environment or the interest of the public therein, the defendant may rebut such showing by the submission of competent evidence to the contrary, and defendant may show as an affirmative defense that his conduct does not violate any statute, regulation or ordinance designed to minimize pollution or impairment of the environment and is in compliance in good faith with any pollution abatement schedule if applicable the purpose of which is alleviation of the damage to the environment complained of. The rules concerning burden of proof and weight of evidence generally applicable in civil actions in the Superior Court shall apply to actions brought under this act.

C. 2A:35A-6 Temporary and permanent equitable relief.

6. A court of competent jurisdiction may grant temporary and permanent equitable relief, including the imposition of such conditions as may be necessary to protect the environment, or the interest of the public therein, from pollution, impairment or destruction.

C. 2A:35A-7 Adjudication upon completion of proceedings.

7. a. In an action brought pursuant to section 4 b. hereof any alleged pollution, impairment or destruction of the environment, or the interest of the public therein, shall be determined, and no conduct shall be authorized or approved which does, or is likely to, have such effect so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

b. Upon completion of such proceedings in any action brought pursuant to section 4 b. hereof, the court shall adjudicate the impact of the defendant's conduct on the environment and on the interest of the public therein in accordance with this act. In such adjudication the court may order that additional evidence be taken to the extent necessary to protect the rights recognized in this act.

C. 2A:35A-8 Remittance of parties to administrative or other proceedings; exception.

8. If administrative or other proceedings are required or available to determine the legality of the defendant's conduct, the court shall remit the parties to such proceedings, except where immediate and irreparable damage will probably result, which proceedings shall be conducted in accordance with and subject to the applicable provision of law providing for such proceedings and the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). In so remitting the court may grant temporary equitable relief where necessary for the protection of the environment or the interest of the public therein from pollution, impairment or destruction. In so remitting the court shall retain jurisdiction of the action pending completion thereof for the purpose of determining whether the administrative findings made in such proceedings are supported by substantial evidence and the agency action is in conformance with the law.

C. 2A:35A-9 Requirement of security.

9. In any action in which a temporary restraining order or an interlocutory injunction is sought the court may, as a condition of granting such relief, require reasonable security, not exceeding \$10,000.00 or cash not exceeding \$500.00.

C. 2A:35A-10 Counsel and expert witness fees; application of collateral estoppel and res judicata; dismissal of action.

10. a. In any action under this act the court may in appropriate cases award to the prevailing party reasonable counsel and expert witness fees, but not exceeding a total of \$2,500.00.

b. The doctrines of collateral estoppel and res judicata may be applied by the court to prevent multiplicity of suits.

c. An action commenced pursuant to the provisions of this act may not be dismissed without the express consent of the court in which the action was filed.

C. 2A:35A-11 Commencement of action; waiver of notice; provisions not applicable to State actions.

11. No action may be commenced pursuant to this act unless the person seeking to commence such suit shall, at least 30 days prior

to the commencement thereof, direct a written notice of such intention by certified mail, to the Attorney General, the Department of Environmental Protection, the governing body of the municipality in which the alleged conduct has, or is likely to occur, and to the intended defendant; provided, however, that if the plaintiff in an action brought in accordance with the "N. J. Court Rules, 1969," can show that immediate and irreparable damage will probably result, the court may waive the foregoing requirement of notice. The provisions of this section shall not apply to actions brought by the State, any political subdivision of the State and any agency or instrumentality of the State or of any political subdivision of the State.

C. 2A:35A-12 Act additional.

12. This act shall be in addition to existing administrative and regulatory procedures provided by law. No existing civil or criminal remedy now or hereafter available to any person or governmental entity shall be superseded by this act.

C. 2A:35A-13 Construction of act.

13. This act and any rules, regulations and orders adopted hereunder shall be liberally construed to effectuate the purpose and intent thereof.

C. 2A:35A-14 Partial invalidity; severability.

14. If the provisions of any section or clause of this act or any rule, regulation or order adopted hereunder or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or clause of this act or any rule, regulation or order adopted hereunder or the application of any part thereof to any other person or circumstance and to this end, the provisions of each section and clause of this act and rule, regulation or order are hereby declared to be severable.

15. This act shall take effect immediately.

Approved December 9, 1974.

CHAPTER 170

AN ACT to amend the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30).

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

1. Section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is amended to read as follows:

C. 54:32B-3 Imposition of sales tax.

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term of not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

(c) Receipts from the sale of food and drink except alcoholic beverages as defined in the Alcoholic Beverage Tax Law, in or by restaurants, taverns or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all homebound elderly persons, age 60 or older, and to all the homebound disabled residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared

and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an air line for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

2. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 171

AN ACT concerning county detectives and amending N. J. S.
2A:157-3.

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

1. N. J. S. 2A:157-3 is amended to read as follows:

County detectives in first-class counties.

2A:157-3. In counties of the first class there may be appointed not in excess of 50 county detectives, of whom one may be designated chief of county detectives, two deputy chiefs of county detectives, four captains of county detectives, and not more than 12 lieutenants of county detectives; their annual salaries shall be fixed as follows: chief of county detectives, not less than \$11,500.00; deputy chiefs of county detectives, not less than \$11,000.00; captains of county detectives, not less than \$9,500.00; lieutenants of county detectives, not less than \$7,500.00; and other county detectives, not less than \$6,500.00.

2. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 172

AN ACT concerning the payment of wages by certain companies, and amending R. S. 34:11-2.

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

1. R. S. 34:11-2 is amended to read as follows:

Weekly payment of wages by railroads; agreements to contrary; action by employee.

34:11-2. Every railroad, express, car-loading, and car-forwarding company authorized to do business by the laws of this State shall pay once each week to each employee, the wages earned for the 7-day period ending not more than 14 days prior to such payment. Wages means those earnings derived from basic pro rata rates of pay pursuant to a labor agreement, and shall not include incentives, bonuses, and other similar types of fringe payments.

If, at any time of payment, as required by this section, any employee of any such railroad or other company shall be absent from his regular place of labor, and shall not receive his wages through a duly authorized representative, he shall be entitled to such payment at any time thereafter, upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due.

It shall not be lawful for any such railroad or other company to enter into or make any agreement with any employee for the payment of the wages of any such employee otherwise than as provided

in this section, except to pay such wages at shorter intervals than as herein provided. Every agreement made in violation of this section shall be deemed to be null and void, and shall not be a defense to the action for the penalty provided for in section 34:11-3 of this Title; and each and every employee with whom any agreement in violation of this section shall be made by such railroad or other company shall have his action and right of action against such railroad or other company for the full amount of his wages in any court of competent jurisdiction in this State.

2. This act shall take effect January 1 next following its enactment.

Approved December 10, 1974.

CHAPTER 173

AN ACT concerning railroads and amending R. S. 48:12-101.

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

1. R. S. 48:12-101 is amended to read as follows:

Tickets; length of validity.

48:12-101. Tickets for passengers, except excursion tickets or tickets sold at reduced rates, shall be good for 6 months. Tickets sold at reduced rates shall be good and entitle the holder to passage for a limited number of days only after the date of issue thereof, which limit shall be clearly stated upon the ticket. This act shall not apply to such tickets sold prior to the effective date of this act.

2. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 174

AN ACT to establish a mass transportation system study commission and prescribing its membership, powers and duties.

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

1. There is hereby established a mass transportation system study commission to consist of three members of the Senate, who shall be members of the Transportation and Communications Committee, to be appointed by the President of the Senate; three members of the General Assembly, who shall be members of the Transportation and Public Utilities Committee, to be appointed by the Speaker of the General Assembly; the chairman of the New Jersey Turnpike Authority or his designee; the chairman of the New Jersey Highway Authority or his designee; the chairman of the New Jersey Expressway Authority or his designee; and the Commissioner of the Department of Transportation or his designee.

2. The commission shall organize as soon as may be possible after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of the commission to conduct a study of the feasibility and practicability of constructing, operating and maintaining, by a State agency or by private vendor, a mass transportation system situated adjacent to or within the right-of-way of the New Jersey Turnpike or the Garden State Parkway or the Atlantic City Expressway. Such study shall consider, but need not be limited to, a monorail, subway, or other rapid transit project and shall also consider the feasibility and practicability of establishing a bus service providing access to such a mass transportation system from municipalities in proximity to the route of such system. The study shall include, but not be limited to, estimates of the costs of construction, operation and maintenance of such a mass transportation system; the probable demand and rates for the use thereof; and the social, environmental and economic impacts thereof.

4. 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.

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 no later than 180 days following enactment of this act.

6. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 175

AN ACT to amend N. J. S. 40A:12-21 of the "Local Lands and Buildings Law" with respect to private sale of real estate to historical societies.

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:

C. 40A:12-21 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; or

(f) Any duly incorporated nonprofit historical society for the acquisition of publicly owned historic sites for their restoration, preservation, improvement and utilization for the benefit of the general public.

2. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 176

AN ACT regarding certain persons who are employed as cottage officers in the New Jersey Diagnostic Center.

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

1. Any person who has held the position of cottage officer in the New Jersey Diagnostic Center, and who has been employed in such capacity for no less than 8 years and who has at least 8 years of service with the Department of Institutions and Agencies shall be eligible for appointment as cottage officer on a permanent basis without having to take a civil service open competitive examination.

2. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 177

AN ACT permitting the appointment of certain persons to the position of sheriff's officer by appointing authorities on a permanent basis without having to take a civil service examination.

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

1. Any woman who on the effective date of this act, has held the position of sheriff's officer on a temporary basis for 2½ years in a respective county, and who graduated in the upper 10% of the class of a police academy approved and authorized by the Police Training Commission, and who attended such police academy under a Federal grant pursuant to the Emergency Employment Act, shall be eligible for appointment as a sheriff's officer on a permanent basis without having to take a civil service open competitive examination.

2. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 178

AN ACT concerning the care, maintenance and supervision of certain children in group homes and amending P. L. 1951, c. 138 and P. L. 1962, c. 177.

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

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

C. 30:4C-2 Definitions.

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

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

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

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

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

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

(f) The term "maintenance" means moneys expended by the Division of Youth and Family Services to procure board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service furnished to, on behalf of, or for a child pursuant to the provisions of this act.

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

(h) The term "foster parent" means any person other than a natural or adoptive parent with whom a child in the care, custody or guardianship of the Division of Youth and Family Services is placed by said division, or with its approval, for temporary or long-term care, but shall not include any persons with whom a child is placed for the purpose of adoption.

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

(j) The singular includes the plural form.

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

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

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

2. Section 26 of P. L. 1951, c. 138 (C. 30:4C-26) is amended to read as follows:

C. 30:4C-26 Placing child in foster home or institution.

26. Whenever the circumstances of a child are such that his needs cannot be adequately met in his own home, the Division of Youth and Family Services may effect his placement in a foster home, with or without payment of board, in a group home, or in an appropriate institution if such care is deemed essential for him.

The Division of Youth and Family Services shall make every reasonable effort to select a foster home, a group home or an institution of the same religious faith as the parent or parents of such child.

Whenever the Division of Youth and Family Services shall place any child, as provided by this section, in any municipality and county of this State, the child shall be deemed a resident of such municipality and county for all purposes, and he shall be entitled to the use and benefit of all health, educational, recreational, vocational and other facilities of such municipality and county in the same manner and extent as any other child living in such municipality and county.

No municipality shall enact a planning or zoning ordinance governing the use of land by, or for, single family dwellings which shall, by any of its terms or provisions or by any rule or regulation adopted in accordance therewith, discriminate between children who are members of such single families by reason of their relationship by blood, marriage or adoption, foster children placed with such families in such dwellings by the Division of Youth and Family Services, and children placed pursuant to law with families in single family dwellings known as group homes.

Any planning or zoning ordinance, heretofore or hereafter enacted by a municipality, which violates the provisions of this section, shall be invalid and inoperative.

3. Section 1 of P. L. 1962, c. 137 (C. 30:4C-26.1) is amended to read as follows:

C. 30:4C-26.1 "Foster home" defined.

1. As used in this act "foster home" means and includes private residences, group homes and institutions wherein any child in the care, custody or guardianship of the Division of Youth and Family Services, may be placed for temporary or long-term care, and shall include any private residence maintained by persons with whom any such child is placed for adoption.

4. Section 1 of P. L. 1962, c. 177 (C. 40:55-33.2) is amended to read as follows:

C. 40:55-33.2 Placement of foster children in single family dwellings; "group home" defined.

1. No municipality shall enact a planning or zoning ordinance governing the use of land by, or for, single family dwellings which shall, by any of its terms or provisions or by any rule or regulation adopted in accordance therewith, discriminate between children

who are members of such single families by reason of their relationship by blood, marriage or adoption, foster children placed with such families in such dwellings by the Division of Youth and Family Services or a duly incorporated child care agency and children placed pursuant to law with families in single family dwellings known as group homes.

Any planning or zoning ordinance, heretofore or hereafter enacted by a municipality, which violates the provisions of this section, shall be invalid and inoperative.

As used in this section, the term "group home" means and includes any single family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Institutions and Agencies; provided, however, that no group home shall contain more than 12 children in accordance with rules and regulations adopted by the Commissioner of Institutions and Agencies.

C. 30:4C-26a Rules and regulations.

5. (New section) Subject to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of Institutions and Agencies is authorized to formulate and adopt all rules and regulations necessary to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved December 10, 1974.

CHAPTER 179

AN ACT concerning legal holidays and amending R. S. 36:1-1.

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

1. R. S. 36:1-1 is amended to read as follows:

Presentment or payment of bills; checks and notes; transaction of public business; State and county offices closed.

36:1-1. The following days in each year shall, for all purposes whatsoever as regards the presenting for payment or acceptance, and of the protesting and giving notice of dishonor, of bills of exchange, bank checks and promissory notes be treated and considered as the first day of the week, commonly called Sunday, and as public

holidays: January 1, known as New Year's Day; February 12, known as Lincoln's Birthday; the third Monday in February, known as Washington's Birthday; the day designated and known as Good Friday; the last Monday in May, known as Memorial Day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Armistice Day or Veteran's Day; the fourth Thursday in November, known as Thanksgiving Day; December 25, known as Christmas Day; any general election day in this State; every Saturday; and any day heretofore or hereafter appointed, ordered or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or other religious observance, or as a bank holiday or holidays. All such bills, checks and notes, otherwise presentable for acceptance or payment on any of the days herein enumerated, shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding any such holiday.

Whenever any of the days herein enumerated can and shall fall on a Sunday, the Monday next following shall, for any of the purposes herein enumerated be deemed a public holiday; and bills of exchange, checks and promissory notes which otherwise would be presentable for acceptance or payment on such Monday, shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday.

In construing this section, every Saturday shall, until 12 noon, be deemed a secular or business day, except as is hereinbefore provided in regard to bills of exchange, bank checks and promissory notes, and the days herein enumerated except bank holidays and Saturdays shall be considered as the first day of the week, commonly called Sunday, and public holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this State, or counties of this State; but on all other days or half days, except Sunday or as otherwise provided by law, such offices shall be kept open for the transaction of business.

2. This act shall take effect January 1, 1975.

Approved December 10, 1974.

CHAPTER 180

AN ACT designating the Kelsey School of Industrial Arts Building a State landmark, providing for its preservation and supplementing Title 18A of the New Jersey Statutes.

WHEREAS, The State of New Jersey has acquired the Kelsey School of Industrial Arts Building located at the corner of West State and Willow streets in the city of Trenton; and

WHEREAS, This building is a unique architectural structure inspired by the palace of the Strozzi family in Florence, Italy; and

WHEREAS, The building was designed by one of the most outstanding architects in this country, Cass Gilbert; and

WHEREAS, Cass Gilbert is world renowned for the design of the United States Supreme Court Building in Washington, D. C., the Woolworth Building in New York City and the State houses in the states of Minnesota, Arkansas and West Virginia, as well as numerous other public buildings; and

WHEREAS, There have been proposals to raze and destroy this unique and distinguished architectural work of art; and

WHEREAS, Buildings such as the Kelsey School of Industrial Arts Building are a part of the fundamental heritage of this State and should be preserved for posterity wherever possible; and

WHEREAS, State ownership of this building places the responsibility for the preservation of this building in the hands of State officials; now, therefore

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

Private act.

1. The Kelsey School of Industrial Arts Building located at the corner of West State and Willow streets in the city of Trenton, county of Mercer, and State of New Jersey is hereby designated a State landmark and an historic site which shall remain in State ownership and be preserved as a part of the cultural heritage of this State.

2. The New Jersey Historical Commission, or such other agency or commission as may be designated by the Governor in writing, is hereby authorized and directed to maintain and preserve the

Kelsey School of Industrial Arts Building and to provide for its use in a manner consistent with the preservation of the building and the integrity of its architectural design.

3. This act shall take effect immediately.

Approved December 16, 1974.

CHAPTER 181

AN ACT to amend "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of parimutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said Title was amended by P. L. 1941, c. 137.

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

1. Section 44 of P. L. 1940, c. 17 (C. 5:5-64) is amended to read as follows:

C. 5:5-64 Distribution of parimutuel pool; allotment of breaks.

44. Each holder of a permit shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which in harness races shall not exceed 17% of the total deposits plus the breaks and which in other races shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of each permit for either harness or running track shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, every holder of a permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits,

plus the breaks. Every permit holder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permit holder engaged in the business of conducting running or harness race meetings under this act shall, retain the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided, and shall allot the breaks 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, and awards to New Jersey thoroughbred breeders associations for programs beneficial to thoroughbred breeding in this State, 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 of P. L. 1940, c. 17 (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; and provided further, however, that any permit holder engaged in the business of conducting harness race meetings wherein the total contribution to all parimutuel pools

therefor did not exceed \$40,000,000.00 during the prior calendar year shall retain 50% of said breaks for his own uses and purposes. Payment of such breaks shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the daily and total amount of such breaks together with such other information as the commission may require. All sums held by any permit holder for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within 6 months from the time such tickets are issued shall be paid to the commission upon the expiration of such 6-month holding period.

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of said tickets within the confines and control of the parimutuel department of any permit holder, and it is further shown to the satisfaction of the commission that said parimutuel tickets have been cashed by such parimutuel department, the commission may adjust and credit the permit holder's account accordingly and the permit holder shall reimburse any employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets.

All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account.

2. Section 28 of P. L. 1940, c. 17 (C. 5:5-48) is amended to read as follows:

C. 5:5-48 Admission of spectators; fees and taxes; free passes.

28. Every permit that shall be granted for the holding of a horse race meeting shall be upon the express condition and agreement that no person shall be admitted as a spectator without the payment of an admission fee in such amount as the permit holder may determine but in no event less than the price to be from time to time established by the commission, plus an admission tax of \$0.05 per person for every paid admission, and that no free passes shall be issued except to the commissioners, employees of the commission, employees of the permit holders engaged in and about the operation of the permit holder's track, the owners of horses actually racing, their actual employees, and duly accredited members of the press; should the permit holder desire to issue free passes for admission to a horse race meeting other than those herein specified it shall be done only upon the approval of the commission.

The permit holder shall, at the same times payments are made to the commission pursuant to section 46 (C. 5:5-66), pay to the State Treasurer for deposit in an account to be known as a Local Expense Fund, hereby created, amounts collected by reason of the collection of an admission tax imposed by ordinance adopted pursuant to this section, which receipts shall be distributed as shall be provided by law.

The admission tax authorized under this section shall not be imposed, charged or collected except pursuant to an ordinance adopted by the governing body of the municipality in which the race meeting is held or, if the said race meeting is held at a site comprising parts of two or more municipalities, by substantially similar ordinances adopted by the governing bodies of each such municipality. Such ordinance or ordinances shall set forth the intention of the municipality that the admission tax authorized under this section shall be imposed at every race meeting held in the municipality subsequent to the adoption thereof, and shall remain in effect until repealed by the governing body. An admission tax imposed pursuant to similar ordinances adopted by two or more governing bodies shall remain in effect until the said ordinances have been repealed by all of them.

3. Section 46 of P. L. 1940, c. 17 (C. 5:5-66) is amended to read as follows:

C. 5:5-66 Disposition of deposits remaining undistributed; report and payment to commission; other license fees or taxes.

46. Every permit holder engaged in the business of conducting horse race meetings under this act shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 6% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act as does not exceed \$40,000,000.00; and 7% of so much of such total contributions as exceeds \$40,000,000.00. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permit holder shall pay to the commission 7% of the total contributions and for pools where the patron is required to select three or more horses, the permit holder shall pay to the commission 10% of the total contributions.

(2) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools to be used and

distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 42½% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(b) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 51½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallions roster of the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 10% of so much of such total contributions as does not exceed \$40,000,000.00 and 9% of so much of such total contributions as exceed \$40,000,000.00 for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permit holder shall retain 11% of the total contributions and for pools where the patron is required to select three or more horses, the permit holder shall retain 14% of the total contributions. Each permit holder shall contribute out of its 14% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission to finance a pre-race blood testing program, which shall be subject to the regulation and control of said commission.

b. In the case of other races:

(1) Pay to the commission 9.15% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permit holder shall pay to the commission 10.15% of the total contributions.

(2) Hold and set aside in an account designated as a special trust account 15% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 10% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money earners;

(b) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(3) Distribute as purse money and for programs designed to aid the horsemen and their representatives 3.74% of such total contributions. Expenditures for programs designed to aid the horsemen and their representatives shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the organization or organizations representing the horsemen and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permit holder shall distribute as purse money 6.74% of the total contributions.

(4) Retain 3.96% of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permit holder shall retain 5.96% of the total contributions and for pools where the patron is required to select three or more horses, the permit holder shall retain 7.46% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permit holder

by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(5) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in paragraph b. of section 44 of this act.

4. Section 4 of P. L. 1940, c. 17 (C. 5:5-25) is amended to read as follows:

C. 5:5-25 Salaries and expenses of commissioners; executive director; employees of commission; extension of civil service laws to.

4. The commissioners shall receive no salaries but shall be allowed reasonable expenses incurred in the performance of their official duties in an amount not exceeding \$5,000.00 per annum in the case of the chairman, and \$3,500.00 per annum in the case of each of the other commissioners. The commission shall appoint an executive director of racing who shall be charged with the responsibility of administering all commission activities. The executive director of racing shall be appointed by the commission to serve at its pleasure and shall receive such compensation as the commission shall determine. The commission may also employ a chief inspector and such other assistant secretaries, and inspectors, clerks, stenographers, and other employees as may be necessary to carry out the provisions of this act, all of whom shall have been actual residents of the State of New Jersey for at least 5 years and shall serve during the pleasure of the commission and receive such compensation and perform such duties as the commission may determine; provided, however, that no person shall be employed by the commission or hold any office or position under the commission who holds an official relation to any association or corporation engaged in or conducting horse racing or who holds stock or bonds therein, or who has any pecuniary interest therein. The provisions of Title 11, Revised Statutes, and acts amendatory thereof and supplemental thereto, shall be construed to extend to all of the offices, positions and employments mentioned in this section with the exception of the following: commissioners, executive director, assistant secretaries, chief inspector, assistant inspectors, and all special and part-time employees.

5. Section 5 of P. L. 1940, c. 17 (C. 5:5-26) is amended to read as follows:

C. 5:5-26 Bond of executive director and other employees.

5. The executive director shall give bond to the State of New Jersey, with sufficient surety to be approved by the commission, in the sum of \$50,000.00 conditioned that he will well and faithfully execute and perform the duties of his office according to the Constitution and the laws of this State, and such chief inspector, assistant secretaries, inspectors, clerks, stenographers and employees may, if the commission determine that it be necessary, give bond in such amount, as said commission may determine upon. Every such bond when duly executed and approved shall be filed in the office of the Secretary of State. The cost of any such bond so given as aforesaid shall be taken to be part of the necessary expenses of the commission.

6. Section 34 of P. L. 1940, c. 17 (C. 5:5-54) is amended to read as follows:

C. 5:5-54 Oaths and witnesses; subpoenas; misconduct, failure to attend or produce records.

34. Each member of the commission and the executive director shall have power to administer oaths and examine witnesses, and shall have the power to issue subpoenas to compel the attendance of witnesses and the production of all necessary reports, books, papers, documents, correspondence and other evidence at any designated place of hearing. The subpoenas shall be authenticated by the seal of the commission, and any party to a proceeding before the commission may secure from its subpoenas without charge. Misconduct on the part of a person attending a hearing or the failure of a witness when duly subpoenaed to attend, give testimony or produce any records, shall be punishable by the County Court of the county wherein the offense is committed in the same manner as such failure is punishable by that court in a case therein pending.

7. Section 35 of P. L. 1940, c. 17 (C. 5:5-55) is amended to read as follows:

C. 5:5-55 Duty of taking testimony and report.

35. The commission may, as occasion shall require, by order, refer to the executive director or to one or more of its members the duty of taking testimony in a matter pending before it, and to report thereon to the commission, but no determination shall be made therein except by the commission.

8. Section 13 of P. L. 1940, c. 17 (C. 5:5-33) is amended to read as follows:

C. 5:5-33 Licensing of parimutuel employees, horse owners, riders, agents, trainers, etc.; revocation or refusal; fee.

13. All parimutuel employees and all horse owners, riders, agents, trainers, stewards, starters, timers, judges, grooms, drivers, and others, acting in any capacity in connection with the training of the horses or the actual running of the races in any such race meeting may be licensed by the commission, pursuant to such rules and regulations as the commission may adopt. The commission shall have full power to prescribe rules, regulations and conditions under which all such licenses are issued in the State of New Jersey and to revoke or refuse to issue a license if in the opinion of the commission the revocation or refusal to issue such license is in the public interest; provided, however, that such rules, regulations and conditions shall be uniform in their application; and further provided, that no fee shall be in excess of \$50.00 for each license so granted.

9. This act shall take effect January 1, 1975.

Approved December 16, 1974.

CHAPTER 182

AN ACT to amend "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing or horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of parimutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said Title was amended by P. L. 1941, c. 137 (now awaiting action by the Governor as Senate No. 1446).

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

1. Section 9 of the act of which this act is amendatory is amended to read as follows:

Effective date amended.

9. This act shall take effect immediately.

Approved December 18, 1974.

CHAPTER 183

AN ACT to amend the "New Jersey Wiretapping and Electronic Surveillance Control Act," approved January 14, 1969 (P. L. 1968, c. 409).

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

1. Section 28 of P. L. 1968, c. 409 is amended to read as follows:

C. 2A:156A-1 et seq.
Effective date amended.

28. This act shall take effect January 1, 1969, and remain in effect until June 30, 1975.

2. This act shall take effect immediately.

Approved December 18, 1974.

CHAPTER 184

AN ACT to amend "An act fixing fees to be imposed upon the recording of deeds transferring title to real property and providing penalties for the violations thereof," approved June 3, 1968 (P. L. 1968, c. 49) (C. 46:15-5 et seq.).

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

1. Section 1 of P. L. 1968, c. 49 (C. 46:15-5) is amended to read as follows:

C. 46:15-5 Definitions.

1. As used in this act:

(a) "Deed" means a written instrument entitled to be recorded in the office of a county recording officer which purports to convey or transfer title to a freehold interest in any lands, tenements or other realty in this State by way of grant or bargain and sale thereof from the named grantor to the named grantee. A leasehold interest for 99 years or more, shall be treated as a "freehold" for the purpose of this act. Instruments providing for common driveways, for exchanges of easements or rights-of-way, for revocable

licenses to use, to adjust or to clear defects of or clouds on title, to provide for utility service lines such as drainage, sewerage, water, electric, telephone or other such service lines, or to quitclaim possible outstanding interests, shall not be "deeds" for the purposes of this act.

(b) The terms "county recording officer" and "office of the county recording officer" mean the register of deeds and mortgages in counties having such an officer and office, and the county clerk and his office in the other counties.

(c) "Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title. The amount of liens for real property taxes, water or sewerage charges for the current or any subsequent year, or by way of added assessment or other adjustment, as well as of other like liens or encumbrances of a current and continuing nature ordinarily adjusted between the parties according to the period of ownership shall be excluded as an element in determining the consideration, notwithstanding that such amount is to be paid by the grantee.

In the case of a leasehold interest as defined in paragraph (a) of this section, the consideration shall be in the amount of the assessed value of the property at the date of the transaction for the purpose of levying local real property taxes adjusted to reflect the true value in accordance with the county percentage level established for the current year.

2. Section 2 of P. L. 1968, c. 49 (C. 46:15-6) is amended to read as follows:

C. 46:15-6 Consideration included in deed and acknowledgment or proof of execution; affidavit.

2. In addition to other prerequisites for recording, no deed evidencing transfer of title to real property shall be recorded in the office of any county recording officer unless (a) the consideration therefor is recited therein and in the acknowledgment or proof of the execution thereof, or (b) an affidavit by one or more of the parties named therein or by their legal representatives declaring the consideration therefor is annexed thereto for recording with the deed.

3. Section 3 of P. L. 1968, c. 49 (C. 46:15-7) is amended to read as follows:

C. 46:15-7 Additional recording fees.

3. In addition to the recording fees imposed by P. L. 1965, c. 123, s. 2 (C. 22A:4-4.1) a fee is imposed upon grantors, at the rate of \$0.50 for each \$500.00 of consideration or fractional part thereof recited in the deed, which fee shall be collected by the county recording officer at the time the deed is offered for recording.

Every deed subject to the additional fee required by this act, which is in fact recorded, shall be conclusively deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated, or that the correct amount of such additional fee, if any, shall not have been paid, and no such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

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

C. 46:15-10 Deeds excluded from additional fee.

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

- (a) For a consideration, as defined in section 1 (c), of less than \$100.00;
- (b) By or to the United States of America, this State, or any instrumentality, agency, or subdivision thereof;
- (c) Solely in order to provide or release security for a debt or obligation;
- (d) Which confirms or corrects a deed previously recorded;
- (e) On a sale for delinquent taxes or assessments;
- (f) On partition;
- (g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors;
- (h) Eligible to be recorded as an "ancient deed" pursuant to R. S. 46:16-7;
- (i) Acknowledged or proved on or before July 3, 1968;
- (j) Between husband and wife, or parent and child;
- (k) Conveying a cemetery lot or plot;
- (l) In specific performance of a final judgment;
- (m) Releasing a right of reversion.

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

5. This act shall take effect January 1, 1975.

Approved December 24, 1974.

CHAPTER 185

AN ACT to amend and supplement the "Transportation Benefits Tax Act," approved June 17, 1971 (P. L. 1971, c. 222).

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

1. Section 3 of P. L. 1971, c. 222 (C. 54:8A-60) is amended to read as follows:

C. 54:8A-60 Rate of tax.

3. Rate of tax. The tax imposed by this act shall be levied and imposed annually upon each taxpayer at the rate of 2.0% upon each of the classes of income hereinafter enumerated in section 16 (C. 54:8A-73).

2. Section 13 of P. L. 1971, c. 222 (C. 54:8A-70) is amended to read as follows:

C. 54:8A-70 "Taxable year"; "annual accounting period" and "calendar year" defined.

13. "Taxable year"; "annual accounting period" and "calendar year" defined. (a) The term "taxable year" means:

(1) The taxpayer's or claimant's annual accounting period; if it is a calendar year or a fiscal year;

(2) the calendar year;

(A) If the taxpayer keeps no books; or

(B) The taxpayer does not have an annual accounting period; or

(C) The taxpayer has an annual accounting period but such period does not qualify as a fiscal year; or

(3) The period for which the return is made, if the return is made for a period of less than 12 months.

(b) The term "annual accounting period" means the annual period on the basis of which the taxpayer regularly computes his income in keeping his books.

(c) The term "calendar year" means a period of 12 months ending on December 31.

(d) The term "fiscal year" means a period of 12 months ending on the last day of any month other than December.

3. Section 16 of P. L. 1971, c. 354 (C. 54:8A-73) is amended to read as follows:

C. 54:8A-73 "Taxable income" defined.

16. "Taxable income" defined. The classes of taxable income are as follows:

(a) (1) Compensation. All salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration received for services rendered whether directly or through an agent and whether in cash or in property.

(2) Net profits. The net income from the operation of a business profession, or other activity, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with accepted accounting principles and practices but without deduction of taxes based on income.

(3) Net gains or income from disposition of property. Net gains or net income, less net losses, derived from the sale, exchange or other disposition of property, including real or personal, whether tangible or intangible but only to the extent that the amount of such net gain or income exceeds the taxpayer's actual or attributed base as determined in accordance with accepted accounting principles and practices.

For the purpose of this act, for the determination of the basis of any property, real and personal, if acquired prior to June 1, 1971, the date of acquisition shall be adjusted to June 1, 1971 as if the property had been acquired on that date. If the property was acquired after June 1, 1971, the actual date of acquisition shall be used in determination of the basis.

The term "net gains or income" shall not include gains or income derived from obligations which are statutorily free from State or local taxation under the laws of the taxpayer's State of residence or under the laws of the United States.

(4) Net gains or income derived from or in the form of rents, royalties, patents and copyrights.

(5) Dividends.

(6) Interest derived from obligations which are not statutorily free from state or local taxation under the laws of the taxpayer's state of residence or under the laws of the United States.

(7) Gambling and lottery winnings, except prizes received pursuant to the provisions of the State Lottery Law, P. L. 1970, c. 13.

(8) Net gains or income derived through estates or trusts.

(b) To the extent that income or gain is subject to tax under one of the classes of income enumerated in this section such income or gain shall not be subject to tax under another of such enumerated classes.

(c) The Director, Division of Taxation is empowered to issue rules and regulations governing the determination of items entering into the computations of taxable income pursuant to this section.

C. 54:8A-96.1 Special tax provisions for poverty.

4. (New section) Special tax provisions for poverty.

a. For the taxable year 1974 and each year thereafter any claimant as defined in subsection (e) hereof, who meets the following standards of eligibility established by this act as the test for poverty shall be entitled to the benefit of the special provisions of this section.

b. Any claim for special tax provisions hereunder shall be determined in accordance with the following:

(1) If the "poverty income" of the claimant during an entire taxable year is \$3,000.00 or less, the claimant shall be entitled to a refund or forgiveness of any moneys which have been paid (or would except for the provisions of this act be payable) under the provisions of this act, with an additional income allowance of \$1,200.00 for the first additional dependent and an additional income allowance of \$750.00 for each additional dependent of the claimant.

(2) If the "poverty income" of the claimant during an entire taxable year does not exceed the "poverty income" limitations prescribed by subsection b. (1) of this section by more than the dollar category contained in the following table, the claimant shall be entitled to a refund or forgiveness based on the percentage prescribed in such table of any moneys which have been paid (or would except for the provisions herein be payable) under this act:

Dollar Category in Excess of Poverty Income	Percentage of Refund or Forgiveness
Not in excess of:	
\$100	90%
\$200	80%
\$300	70%
\$400	60%
\$500	50%
\$600	40%
\$700	30%
\$800	20%
\$900	10%

c. "Poverty" means an economic condition wherein the total amount of poverty income is insufficient to adequately provide the claimant, his spouse and dependent children with the necessities of life.

d. "Poverty income" means for the purpose of determining eligibility for special tax provisions all moneys or property (including interest, gains or income derived from obligations which are statutorily free from state or local taxation under the laws of the taxpayer's state of residence or under the laws of the United States) received of whatever nature and from whatever source derived but not including (1) periodic payments for sickness and disability other than regular wages received during a period of sickness or disability; or (2) disability, retirement or other payments arising under workmen's compensation acts, occupational disease acts and similar legislation by any government; or (3) payments commonly recognized as old age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment; or (4) payments commonly known as public assistance, or unemployment compensation payments by any governmental agency; or (5) payments to reimburse actual expenses; or (6) payments made by employers or labor unions for programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement; or (7) any compensation received by United States servicemen serving in a combat zone.

e. "Claimant" means a person who is subject to the tax imposed under this act, is not a dependent of another person, but is entitled

to claim against such tax the poverty tax provisions as provided by this act.

f. "Dependent" means a spouse or child who derives more than one-half of his total support during the entire taxable year from a claimant entitled to claim the poverty exemption. Any person who is a dependent pursuant to the provisions of the Internal Revenue Code during a taxable year shall prima facie be deemed a dependent for purposes of this act.

C. 54:8A-96.2 Procedure for claiming special tax provisions.

5. (New section) Procedure for claiming special tax provisions. The following procedures shall be employed for claiming the special tax provisions:

a. The claimant may claim the special tax provisions upon the expiration of his taxable year in connection with his filing of an annual return under the provisions of this act. The director shall have the power to promulgate such rules or regulations as he may deem necessary to fairly and reasonably implement the provisions of this section.

b. Proof of eligibility. The director shall prescribe such regulations and require the submission of such forms and certifications as may be necessary to establish the eligibility of persons applying for the poverty tax exemption.

C. 54:8A-101.1 When withholding not required.

6. (New section) When withholding not required. Notwithstanding any provision of this act to the contrary, an employer on and after January 1, 1975, shall not be required to withhold any tax upon payment of wages to an employee if such employee can certify: (1) that he incurred no personal income tax liability in his state of residence or under this act for the preceding tax year; and (2) that he anticipates no liability under this act for the current taxable year.

7. This act shall take effect immediately and shall be applicable with respect to classes of income specified in section 16 of P. L. 1971, c. 222 (C. 54:8A-73) received or accrued on or after January 1, 1974, except with respect to the determination of the basis of property as provided in subsection (a) (3) of section 16 of P. L. 1971, c. 354 (C. 54:8A-73), which shall be retroactively applicable to June 1, 1971.

Approved December 24, 1974.

CHAPTER 186

AN ACT to amend "An act relating to training of policemen prior to permanent appointment; appointments in certain municipal and county law enforcement agencies; establishing a police training commission; and providing an appropriation therefor," approved June 3, 1961 (P. L. 1961, c. 56).

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

1. Section 4 of P. L. 1961, c. 56 (C. 52:17B-69) is amended to read as follows:

C. 52:17B-69 Duration of probationary or temporary appointment as policemen to take training course; leave of absence.

4. Notwithstanding the provisions of R. S. 11:22-6, a probationary or temporary appointment as a police officer may be made for a total period not exceeding 1 year for the purpose of enabling a person seeking permanent appointment to take a police training course as prescribed in this act, provided, however, that the time period may exceed 1 year for those persons enrolled prior to the 1-year limit in a police training course scheduled to end subsequent to the 1-year limit, and for those persons who, prior to the 1-year limit, have been scheduled to attend a police training course which commences subsequent to the 1-year limit. In no case shall any extension granted for the reasons herein listed exceed 6 months. No person shall be permitted to take a police training course unless he holds such probationary or temporary appointment, and such appointee shall be entitled to a leave of absence with pay during the period of the police training course.

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

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

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

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

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

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for such schools, and may prescribe psychological and psychiatric examinations for police recruits while in such schools;

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

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

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

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

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

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

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

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

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

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

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

3. This act shall take effect immediately and shall be retroactive to October 27, 1971.

Approved December 24, 1974.

CHAPTER 187

AN ACT concerning the "Emergency Transportation Tax Act," approved May 29, 1961 (P. L. 1961, c. 32) and amending P. L. 1972, c. 12.

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

1. 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 $2\frac{1}{2}\%$ 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. 54:2A-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 year ending after December 31, 1972 and commencing before January 1, 1975, 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 1974 and ending in 1975, 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 1975 bears to the number of days in the entire taxable year.

2. This act shall take effect immediately.

Approved December 24, 1974.

CHAPTER 188

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 Duration of tax.

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, 1976.

2. Section 8 of P. L. 1970, c. 326 (C. 40:48C-8) is amended to read as follows:

C. 40:48C-8 Duration of tax.

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, 1976.

3. Section 12 of P. L. 1970, c. 326 (C. 40:48C-12) is amended to read as follows:

C. 40:48C-12 Duration of tax.

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, 1976.

4. Section 19 of P. L. 1970, c. 326 (C. 40:48C-19) is amended to read as follows:

C. 40:48C-19 Period of imposition of tax.

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, 1976, 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, 1976.

5. Section 26 of P. L. 1970, c. 326 (C. 40:48C-26) is amended to read as follows:

C. 40:48C-26 Duration of tax.

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, 1976.

6. Section 32 of P. L. 1970, c. 326 (C. 40:48C-32) is amended to read as follows:

C. 40:48C-32 Duration of tax.

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, 1976.

7. This act shall take effect immediately.

Approved December 24, 1974.

CHAPTER 189

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 21 of P. L. 1971, c. 198 (C. 40A:11-21) is amended to read as follows:

C. 40A:11-21 Guarantee to accompany bid; amount; applicability of provisions.

21. There may be required from any person bidding on any contract or agreement, advertised in accordance with law, that the bid be accompanied by a guarantee payable to the contracting unit

that if the contract or agreement is awarded to him he will enter into a contract therefor and will furnish any performance bond or other security required as a guarantee or indemnification. The guarantee shall be in the amount of 10% of the bid, but not in excess of \$20,000.00, except as otherwise provided herein, and may be given, at the option of the bidder, by certified check, cashier's check or bid bond. In the event that any law or regulation of the United States imposes any condition upon the awarding of a monetary grant to any contracting unit, which condition requires the depositing of a guarantee in an amount other than 10% of the bid or in excess of \$20,000.00 the provisions of this section shall not apply and the requirements of the law or regulation of the United States shall govern.

2. This act shall take effect immediately.

Approved December 24, 1974.

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, 1975 and regulating the disbursement thereof," approved June 28, 1974 (P. L. 1974, c. 58).

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:

72410-012-100. APPORTIONMENT COMMISSION	
For expenses of the Apportionment Commission	\$25,000

2. This act shall take effect immediately.

Approved December 26, 1974.

CHAPTER 191

AN ACT concerning school elections and school budgets, 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. Notwithstanding any prior existing laws, the annual school election for the year 1975 for each Type II local district shall be held on March 11, 1975, and the annual school election for the year 1975 for regional districts shall be held on

(1) March 11, 1975 in any all purpose regional district consisting of a consolidated school district, or of a school district comprising two or more municipalities, which is itself a constituent district of a larger regional district, or

(2) March 4, 1975 in all other regional districts.

Present board of education members whose terms expire in 1975 and whose successors shall be elected at the annual school elections to be held in March, 1975 shall continue in office until their successors are elected and qualified.

2. The board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before March 1, 1975, and the board of education of every other school district shall prepare a budget for the school district for the school year beginning July 1, 1975, in districts other than regional districts, on or before February 11, 1975, and in regional districts on or before February 4, 1975.

3. Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the school year beginning July 1, 1975 and the various items and purposes for which the same are to be appropriated, which hearing in districts having a board of school estimate, shall be held before said board of school estimate between March 1 and March 15, 1975 and in districts having no board of school estimate shall be held before the board of education between February 11, 1975 and March 1, 1975, except in regional districts in which such hearing shall be held between February 4 and February 25, 1975.

4. At or after said public hearing but not later than on March

15, 1975, 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.

5. At or after said public hearing but not later than on March 15, 1975, 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 April 1, 1975 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.

6. At or after the public hearing on the budget but not later than on March 1, 1975, the board of education of each Type II district having no board of school estimate shall fix and determine the amount of money to be voted upon by the legal voters of the district at the annual elections, which sum or sums shall be designated in the notice calling such election as required by law.

7. This act shall take effect immediately.

Approved December 26, 1974.

CHAPTER 192

AN ACT to supplement the "New Jersey State Health Benefits Program Act," approved June 3, 1961 (P. L. 1961, c. 49, C. 52:14-17.25 et seq.), as said short title was amended by P. L. 1972, c. 75.

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

C. 52:14-17.32d Continuation of coverage during authorized leave of absence for illness; payment of premium.

1. Notwithstanding any other regulation or statutory authority pertaining to the continuation of coverage for those on an approved leave of absence, the coverage of any eligible State employee and of his dependents, if any, during any period of authorized leave of absence for illness without pay, shall be continued for a period of as much as 3 months or the equivalent number of payroll periods for those not reported on a monthly basis; such period shall commence following the last payroll period or month for which the employee receives a salary payment. The premium for the coverage extended for such period of leave of absence shall be paid for by the State.

C. 52:14-17.32e Termination of coverage; continued coverage by employee.

2. The coverage of an eligible State employee and of his dependents, if any, during any period of authorized leave of absence without pay shall terminate on the last day of the coverage period for which premiums have been paid; provided, however, the

coverage of the employee and the employee's dependents may be continued by such employee, if the employee shall pay in advance the total premium required for the employee's coverage and the coverage of the employee's dependents during such period of authorized leave of absence without pay; provided, further, that no period of such continued coverage shall exceed a total of 3 months, or the equivalent number of payroll periods for those not reported on a monthly basis, during which the employee receives no pay.

3. This act shall take effect immediately.

Approved December 27, 1974.

CHAPTER 193

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 revoked by one of the two party states.

2. This bill shall take effect immediately.

Approved December 31, 1974.

CHAPTER 194

AN ACT concerning unemployment compensation, and amending
R. S. 43:21-14.

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

1. R. S. 43:21-14 is amended to read as follows:

Collection of contributions.

43:21-14. (a) In addition to such reports as the Director of the Division of Employment Security may require under the provisions of subsection (g) of section 43:21-11 of this chapter (R. S. 43:21-1 et seq.), every employer shall file with the division periodical contribution reports on such forms and at such times as the director shall prescribe, to disclose the employer's liability for contributions under the provisions of this chapter (R. S. 43:21-1 et seq.), and at the time of filing each contribution report shall pay the contributions required by this chapter (R. S. 43:21-1 et seq.) for the period covered by such report. The director may require that such reports shall be under oath of the employer. Any employer who shall fail to file any report, required by the director, on or before the last day for the filing thereof shall pay a penalty of \$1.00 for each day of delinquency until and including the tenth day following such last day and, for any period of delinquency after such tenth day, a penalty of \$1.00 a day or 20% of the amount of the contributions due and payable by the employer for the period covered by the report, whichever is the lesser; if there be no liability for contributions for the period covered by any contribution report or in the case of any report other than a contribution report, the employer or employing unit shall pay a penalty of \$1.00 a day for each day of delinquency in filing or \$15.00, whichever is the lesser; provided, however, that when it is shown to the satisfaction of the director that the failure to file any such report was not the result of fraud or an intentional disregard of this chapter (R. S. 43:21-1 et seq.), or the regulations promulgated hereunder, the director, in his discretion, may remit or abate any unpaid penalties heretofore or hereafter imposed under this section and he may also, in his discretion, ratify any remission or abatement of penalties heretofore allowed by the Unemployment Compensation Commission, its executive director or acting executive director, or the Division of Employment Security, its director or acting director. On or before October 1 of each year, the director shall submit to the Commissioner of Labor and Industry a report covering the 12-month period ending on the preceding June 30, and showing the names and addresses of all employers for whom the director remitted or abated any penalties, or ratified any remission or abatement of penalties, and the amount of such penalties with respect to each employer. Any employer who shall fail to pay the contributions due for any period on or before the date they are required by the division to be paid, shall pay interest

at the rate of 1% a month on the amount thereof from such date until the date of payment thereof. Upon the written request of any employer or employing unit, filed with the division on or before the due date of any report or contribution payment, the director, for good cause shown, may grant, in writing, an extension of time for the filing of such report or the paying of such contribution with interest at the rate of 1% a month on the amount thereof; provided, no such extension shall exceed 30 days and that no such extension shall postpone payment of any contribution for any period beyond the day preceding the last day for filing tax returns under Title IX of the Federal Social Security Act for the year in which said period occurs.

(b) The contributions, penalties, and interest due from any employer under the provisions of this chapter (R. S. 43:21-1 et seq.), from the time they shall be due, shall be a personal debt of the employer to the State of New Jersey, recoverable in any court of competent jurisdiction in a civil action in the name of the State of New Jersey; provided, however, that except in the event of fraud, no employer shall be liable for contributions or penalties unless contribution reports have been filed or assessments have been made in accordance with subsections (c) or (d) of this section before 4 years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R. S. 43:21-1 et seq.), nor shall any employer be required to pay interest on any such contributions unless contribution reports were filed or assessments made within such 4-year period; provided further, that if such contribution reports were filed or assessments made within the 4-year period, no civil action shall be instituted, nor shall any certificate be issued to the Clerk of the Superior Court under subsection (e) of this section, except in the event of fraud, after 6 years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R. S. 43:21-1 et seq.), or July 1, 1958, whichever is later. Payments received from an employer on account of any debt incurred under the provisions of this chapter (R. S. 43:21-1 et seq.) may be applied by the division on account of the contribution liability of the employer and then to interest and penalties, and any balance remaining shall be recoverable by the division from the employer. Upon application therefor, the division shall furnish interested persons and entities certificates of indebtedness covering employers, employing units and others for contributions, penalties and interest, for each of

which certificate the division shall charge and collect a fee of \$0.25 per name, no such certificate to be issued, however, for a fee of less than \$1.00. All fees so collected shall be paid into the unemployment compensation administration fund.

(c) If any employer shall fail to make any report as required by the rules and regulations of the division pursuant to the provisions of this chapter (R. S. 43:21-1 et seq.), the division may make an estimate of the liability of such employer from any information it may obtain, and, according to such estimate so made, assess such employer for the contributions, penalties, and interest due the State from him, give notice of such assessment to the employer, and make demand upon him for payment.

(d) After a report is filed under the provisions of this chapter (R. S. 43:21-1 et seq.) and the rules and regulations of the division, the division shall cause the report to be examined and shall make such further audit and investigation as it may deem necessary, and if therefrom there shall be determined that there is a deficiency with respect to the payment of the contributions due from such employer, the division shall assess the additional contributions, penalties, and interest due the State from such employer, give notice of such assessment to the employer, and make demand upon him for payment.

(e) As an additional remedy, the division may issue to the Clerk of the Superior Court of New Jersey a certificate stating the amount of the employer's indebtedness under this chapter (R. S. 43:21-1 et seq.) and describing the liability, and thereupon the clerk shall immediately enter upon his record of docketed judgments such certificate or an abstract thereof and duly index the same. Any such certificate or abstract heretofore or hereafter docketed from the time of docketing shall have the same force and effect as a judgment obtained in the Superior Court of New Jersey and the division shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of such a judgment in a civil action upon contract in said court. Such debt, from the time of docketing thereof, shall be a lien on and bind the lands, tenements and hereditaments of the debtor.

The Clerk of the Superior Court shall be entitled to receive for docketing such certificate \$0.50, and for a certified transcript of such docket \$0.50. If the amount set forth in said certificate as a debt shall be modified or reversed upon review, as hereinafter provided, the Clerk of the Superior Court shall, when an order

of modification or reversal is filed, enter in the margin of the docket opposite the entry of the judgment the word "modified" or "reversed," as the case may be, and the date of such modification or reversal.

The employer, or any other party having an interest in the property upon which the debt is a lien, may deposit the amount claimed in the certificate with the Clerk of the Superior Court of New Jersey, together with an additional 10% of the amount thereof, or \$100.00, whichever amount is the greater, to cover interest and the costs of court, or in lieu of depositing the amount in cash, may give a bond to the State of New Jersey in double the amount claimed in the certificate, and file the same with the Clerk of the Superior Court. Said bond shall have such surety and shall be approved in the manner required by the Rules of the Supreme Court.

After the deposit of said money or the filing of said bond, the employer or any other party having an interest in the said property, may, after exhausting all administrative remedies, secure judicial review of the legality or validity of the indebtedness or the amount thereof, and the said deposit of cash shall be as security for and the bond shall be conditioned to prosecute the judicial review with effect.

Upon the deposit of said money or the filing of the said bond with the Clerk of the Superior Court, all proceedings on such judgment shall be stayed until the final determination of the cause, and the moneys so deposited shall be subject to the lien of the indebtedness and costs and interest thereon, and the lands, tenements, and hereditaments of said debtor shall forthwith be discharged from the lien of the State of New Jersey and no execution shall issue against the same by virtue of said judgment.

(f) If not later than 2 years after the calendar year in which any moneys were erroneously paid to, or collected by the division, whether such payments were voluntarily or involuntarily made or made under mistake of law or of fact, an employer, employing unit, or employee who has paid such moneys shall make application for an adjustment thereof, the said moneys shall, upon order of the director, be either credited or refunded, without interest, from the appropriate fund. For like cause and within the same period, credit or refund may be so made on the initiative of the director.

(g) All interest and penalties collected pursuant to this section shall be paid into a special fund to be known as the unemployment compensation auxiliary fund; all moneys in this special fund shall

be deposited, administered and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be expended, under legislative appropriation, for the purpose of aiding in defraying the cost of the administration of this chapter (R. S. 43:21-1 et seq.) and for essential and necessary expenditures in connection with programs designed to stimulate employment. The Treasurer of the State shall be ex officio the treasurer and custodian of this special fund and, subject to legislative appropriation, shall administer the fund in accordance with the directions of the division. Any balances in this fund shall not lapse at any time, but shall be continuously available, subject to legislative appropriation, to the division for expenditure. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation auxiliary fund in an amount to be fixed by the division, the premiums for such bond to be paid from the moneys in the said special fund.

2. This act shall take effect immediately.

Approved January 3, 1975.

CHAPTER 195

AN ACT authorizing the Commissioner of Labor and Industry to expend funds appropriated from the Unemployment Compensation Auxiliary Fund to assist the Division of Economic Development in promoting and expanding employment opportunities in this State, and to authorize the Commissioner of Labor and Industry to enter into agreements with private employers, the Federal Government, or any agency thereof, or any corporation, association, or public or private institution to provide training for residents of this State, and to make appropriation therefor.

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

C. App. A:11-1 Short title.

1. This act shall be known as and may be cited as the "Emergency Employment Development Act of 1974."

C. App. A:11-2 Legislature's findings.

2. The Legislature finds that there is a need to encourage existing private businesses and industries to expand and to attract new businesses into the State in order to create more employment opportunities for the citizens of New Jersey; that the expansion and attraction of private enterprise is promoted both by the creation of an effective Economic Development Program and the availability of trained workers in this State; and, that public moneys should be made available to encourage private employers to develop and to expand job opportunities and for the training of unemployed or underemployed citizens of this State.

C. App. A:11-3 Authorization to expend funds.

3. The Commissioner of Labor and Industry is authorized to expend funds, appropriated from the Unemployment Compensation Auxiliary Fund, to restructure and expand the existing Division of Economic Development to provide professional and technical assistance to industry to aid in the development of job opportunities for citizens of this State.

C. App. A:11-4 Authorization to enter into agreements with private employers, federal government, agencies, etc.

4. The Commissioner of Labor and Industry is authorized to enter into agreements with private employers and the Federal Government, or any agency thereof, or any corporation, association, or public or private institution for the training of workers under such terms as the Commissioner of Labor and Industry may establish.

C. App. A:11-5 Authorization to pay training costs and allowances; acceptance of grants.

5. Pursuant to any agreement entered into under this act, the Commissioner of Labor and Industry is authorized to pay such direct training costs, training allowances, and administrative expenses as he shall deem necessary. The commissioner may accept grants from the Federal Government, or any agency thereof, or from any foundation, corporation, association, or individual to defray the cost of direct training, training allowances, or administrative expenses.

C. App. A:11-6 Rules and regulations.

6. The Commissioner of Labor and Industry shall have the power to promulgate rules and regulations for the implementation of this act.

7. There is hereby appropriated from the moneys of the Unemployment Compensation Auxiliary Fund, the sum of \$1,000,000.00

for the creation of employment opportunities, under this act, during the fiscal year ending June 30, 1975. Any unexpended or unobligated portion of this initial appropriation shall be reappropriated in subsequent years, and shall continue to be available to the Department of Labor and Industry during the fiscal year ending June 30, 1976, for expenditure consistent with the provisions herein.

8. This act shall take effect immediately.

Approved January 3, 1975.

CHAPTER 196

AN ACT concerning the residence of certain officers of counties and municipalities, and amending N. J. S. 40A:9-1.

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

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

Residence of officers.

40A:9-1. Except in the case of counsel, attorney, engineer, health officer, auditor, comptroller, appointed tax collector, appointed tax assessor, or members of boards of assessors or as otherwise provided by law, every person holding an office, the authority and duties of which relate to a county only, or to a municipality only, shall reside within said county or municipality, as the case may be.

Any person holding or attempting to hold any such office in a county or municipality in violation hereof, may be ousted in a proceeding in lieu of preprogrative writ.

2. This act shall take effect immediately.

Approved January 3, 1975.

CHAPTER 197

AN ACT providing for bilingual education programs in the public schools.

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

C. 18A:35-15 Legislature's findings.

1. The Legislature finds that there are large numbers of children in the State who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The Legislature believes that a program of bilingual education can meet the needs of those children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of the State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English speaking ability, it is the purpose of this act to provide for the establishment of bilingual education programs in the public schools.

C. 18A:35-16 Definitions.

2. As used in this act, the following words and phrases shall have the following meaning:

“Children of limited English-speaking ability” means those children whose primary language is other than English and who have difficulty performing ordinary classwork in English.

“Programs in bilingual education” means a full-time program of instruction (1) in all those courses or subjects which a child is required by law, rule or regulation to receive given in the native language of the children of limited English-speaking ability enrolled in the program and also in English (2) in the aural comprehension, speaking, reading, and writing of the native language of the children of limited English-speaking ability enrolled in the program and in the aural comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability enrolled in the program and in the history and culture of the United States.

C. 18A:35-17 Identification of children who are of limited English-speaking ability; classification according to language.

3. Each school district shall identify and ascertain, according to rules prescribed by the Commissioner of Education with the approval of the State board, the children attending the schools of the district who are of limited English-speaking ability and, also, those not in attendance but resident within the district, and shall classify them according to the language of which such children possess a primary speaking ability.

C. 18A:35-18 Establishment of bilingual education program.

4. When, at the beginning of any school year, there are within the schools of the district 20 or more pupils of limited English-speaking ability in any one language classification, the board of education shall establish, for each such classification, a program in bilingual education for all the pupils therein; provided, however, that a board of education may establish a program in bilingual education for any language classification with less than 20 children therein.

C. 18A:35-19 Period of participation

5. Every pupil participating in a program established pursuant to this act shall be entitled to continue such participation for a period of 3 years.

C. 18A:35-20 Participation with English-speaking pupils in regular classes; location of programs.

6. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not limited to art, music, and physical education, pupils of limited English-speaking ability shall participate fully with English-speaking pupils in the regular classes provided for such subjects. Each board shall insure to each pupil enrolled in a program in bilingual education a practical and meaningful opportunity to participate fully in all programs and activities available in the school district. Programs in bilingual education shall be located in the regular public schools of the district rather than in separate facilities. Bilingual education programs may include children of English-speaking ability.

C. 18A:35-21 Joint programs.

7. A school district may join with any other school district or districts, according to rules prescribed by Commissioner of Education with the approval of the State board, to provide programs pursuant to this act.

C. 18A 35-22 Notification of parents; involvement in programs.

8. Each school district shall notify by mail the parents of the pupils of limited English-speaking ability of the fact that their child has been enrolled in a program of bilingual education. Such notice shall be in writing and in the language of which the child of the parents so notified possesses a primary speaking ability, and in English.

The board shall provide for the maximum practicable involvement of parents of children of limited English-speaking ability in

the development and review of program objectives and dissemination of information to and from the local school districts and communities served by the bilingual education program within existing State law.

C. 18A:35-23 Implementation of provisions.

9. The Commissioner of Education and the Chancellor of Higher Education shall, with the approval of their respective boards, promulgate rules and regulations, establish procedures, employ personnel, and take all other necessary steps to insure the implementation of the provisions of this act.

C. 18A:35-24 State Advisory Committee on Bilingual Education; establishment; membership.

10. The State Board of Education and the State Board of Higher Education shall jointly establish a State Advisory Committee on Bilingual Education to assist the Department of Education and the Department of Higher Education in the formulation of policies and procedures relating to this act. The State Advisory Committee on Bilingual Education shall include representatives of the language communities served, institutions of higher education, local school boards, school administrators, teachers and laymen knowledgeable in the field of bilingual education.

C. 18A:35-25 Financial support to institutions of higher education.

11. The Board of Higher Education with the advice of the State Advisory Committee on Bilingual Education shall provide financial support to institutions of higher education for career development programs and the training of professionals serving bilingual populations with emphasis on effective utilization of existing facilities.

C. 18A:35-26 Development of resources, programs, instructional materials and other activities.

12. The State board and the State Board of Higher Education shall develop resources, programs, curriculum and instructional materials and undertake such other activities as will enable boards of education to provide programs pursuant to this act; the boards shall, where appropriate, jointly or cooperatively undertake such activities.

13. This act shall take effect immediately except that section 4 shall not take effect until July 1, 1975.

Approved January 8, 1975.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION designating the week of February 17 to 23, 1974 as Catholic Schools Week.

WHEREAS, The Catholic schools of the State of New Jersey will be celebrating Catholic Schools Week in the State on February 17-23 of this year; and

WHEREAS, The Catholic schools in New Jersey have had over a century of service educating millions of Jerseyans over the years in preparation for their responsibilities as citizens of this State and as members of society; and

WHEREAS, Parents who send their children to nonpublic schools assist the State in reducing the rising costs of public education; and

WHEREAS, The 650 Catholic schools in the State currently provide over 250,000 students with a well-rounded educational program in moral values and community service; and

WHEREAS, The welfare of the State requires that this and future generations of school age children be assured ample opportunity to develop to the fullest their intellectual capacities; and that in the exercise of their constitutional rights to choose nonpublic education for their children, parents who support such education make a major contribution to the public welfare;

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

1. The week of February 17 to 23, 1974 is designated as Catholic Schools Week in the State of New Jersey to be recognized as such by State and municipal agencies throughout New Jersey.

2. The Governor and the Legislature of the State of New Jersey hereby call on all of the citizens of the State to recognize the contribution Catholic schools make to education in the State and

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commend their faculties, students and parents for their dedication and devotion to the quality education furnished the future citizens of this State.

3. This joint resolution shall take effect immediately.

Approved February 15, 1974.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION to declare the month of April, 1974, as "Cancer Control Month" in the State of New Jersey and providing for a proclamation thereof by the Governor.

WHEREAS, The American Cancer Society is a voluntary health agency, under its symbol, the "Sword of Hope," fighting cancer through an effective program of education, service and research; and

WHEREAS, The New Jersey Division of the said American Cancer Society is carrying on a year-round program, with volunteers in its 21 county units, in an effort to alert residents of the State to the necessity of regular health checkups and at the same time is aiding those already stricken; and

WHEREAS, It is estimated that many residents of the State will die of cancer this year unless the disease is detected and treated in time by physicians through yearly checkups; and

WHEREAS, The American Cancer Society is helping support, by grants, research in six New Jersey institutions, and more funds are needed if the cause of cancer is to be found; now, therefore

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

1. The month of April, 1974, shall be known in New Jersey as "Cancer Control Month" and the residents of the State are urged to support the volunteers of the New Jersey Division of the American Cancer Society and its cancer control programs in the 21 counties of the State.

2. The Governor, by appropriate proclamation, is requested to designate the said month of April as "Cancer Control Month" in New Jersey.

3. This joint resolution shall take effect immediately.

Approved March 29, 1974.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION designating that portion of Route 18 which passes over the New Jersey Turnpike in East Brunswick, Middlesex county, as the Werner Foerster Overpass.

WHEREAS, Werner Foerster dedicated his life to the protection of the citizens of this State as a member of the New Jersey State Police; and

WHEREAS, Werner Foerster met his untimely death at the age of 35 while carrying out his duties as a member of the State Police; and

WHEREAS, It is altogether fitting and proper that the dedication and courage of Werner Foerster, husband and father, be memorialized by the State of New Jersey; now, therefore

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

1. That portion of Route 18 which passes over the New Jersey Turnpike in East Brunswick, Middlesex county, shall be designated as the Werner Foerster Overpass.

2. The Commissioner of Transportation is authorized to erect appropriate signs bearing such name.

3. This joint resolution shall take effect immediately.

Approved May 2, 1974.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION designating 1974 as "Blessed Mother Seton Bicentennial Year" and providing for the appropriate proclamation thereof by the Governor.

WHEREAS, Blessed Mother Elizabeth Ann Bayley Seton, founder of the American Sisters of Charity and one of the leading figures in the early development of Catholic education in the United States, was born in the city of New York 200 years ago; and

WHEREAS, A devout and charitable woman, active in many areas of social concern long before her formal consecration to the

religious life, Mother Seton became a convert to Catholicism in 1805, and in 1809 founded, in Emmitsburg, Maryland, the American Sisters of Charity, an order which has been responsible for many distinguished educational and charitable foundations throughout the country; and

WHEREAS, Through her indefatigable industry, devout inspiration and profound dedication to the works of faith and charity, Mother Seton, though left a widow and the sole support of five young children, managed not only to provide for her own family but also to institute, inspire and propagate the pious labors of the order which she founded; and

WHEREAS, The Sisters of Charity have long figured in the life of New Jersey, having been first introduced in this State in 1859 with the assistance of Mother Seton's nephew, James Roosevelt Bayley, first Bishop of Newark; and

WHEREAS, The New Jersey Branch of the Sisters of Charity, now numbering some 1,500 sisters, with its permanent motherhouse at Convent, Morris county, has opened and staffed schools in all the major cities of New Jersey, staffs hospitals in the cities of Paterson, Elizabeth and Montclair and also operates numerous other institutions and programs in the various areas of human need and social concern; and

WHEREAS, The devoted life, exemplary labors and precious legacy of Mother Seton have rendered her an object of veneration to her coreligionists and of profound respect to all, and she was honored by her church with formal beatification in 1963; now, therefore

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

1. In tribute to the life, work and sanctity of Blessed Mother Seton, and to encourage the fuller understanding and honor of her character and accomplishments in this State and elsewhere, the year 1974, being the two hundredth anniversary of her birth, is hereby formally designated as "Blessed Mother Seton Bicentennial Year" in this State.

2. The Governor shall issue his proclamation proclaiming the aforesaid designation and urging the appropriate observance thereof by the people of this State.

3. Upon the passage and approval of this joint resolution, the Secretary of State shall cause a duly authenticated copy thereof to be transmitted to Sister Hildegarde Marie Mahoney, Ph. D., General Superior of the New Jersey Branch of the Sisters of Charity.

Approved June 13, 1974.

AMENDMENT TO THE
1947 CONSTITUTION
ADOPTED IN 1974

**Amendment to the 1947 Constitution
Adopted in 1974**

PROPOSED AMENDMENT ADOPTED

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 and of the county in which he claims his vote 30 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) (Deleted by amendment.)

(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 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.

Adopted November 5, 1974.

Effective December 5, 1974.

PROPOSED AMENDMENT
TO THE 1947 CONSTITUTION
THAT HAS BEEN REJECTED
IN 1974

Proposed Amendment to the 1947 Constitution that has been Rejected in 1974

PROPOSED AMENDMENT REJECTED

Amend Article IV, Section VII, paragraph 2 to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization;

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played 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, 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, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein.

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal

organizations, civic and service clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance and

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions, State aid for education.

D. It shall be lawful for the Legislature to enact general or special laws under which gambling houses or casinos may be established and owned by and operated under the authority and control of the State, and may be located in specified municipalities. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to law. The entire net proceeds of any gambling establishment operated by the State under authority of this subparagraph shall be paid into the State Treasury to be used for public purposes through appropriations. No gambling establishment authorized under this subparagraph shall be located within the territorial limits of any municipality unless the question of permitting the location therein of such establishments pursuant to the particular law authorizing the same shall have been submitted to the voters of the municipality in question and to the voters of the county wherein said municipality is located, in such manner and form as said law shall provide at any general or special election and shall have been approved by a majority of the voters of the county and of the said municipality voting thereon.

Rejected November 5, 1974.

EXECUTIVE ORDERS

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 1

WHEREAS, the Emergency Energy Fair Practices Act of 1974 (hereinafter "the Act") has been enacted in response to an urgent need for information with respect to the energy shortage of vital and essential fuel products within the State of New Jersey and to provide a fair and equitable distribution of energy sources and fuels within the State; and

WHEREAS, the Act authorizes the Governor to proclaim by Executive Order the existence of an energy emergency and to establish a State Energy Office and to appoint an Administrator of such office to carry out the provisions of the Act in addition to appointing an Executive Director and to fix their compensation, powers and duties;

NOW, THEREFORE, I, Brendan Byrne, 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. An energy emergency is hereby proclaimed to exist.
2. The State Energy Office is hereby created and shall be responsible directly to the Governor.
3. The positions of Administrator and Executive Director of the State Energy office are hereby established. Such positions shall be appointed by and serve at the will of the Governor. The Governor may appoint an Acting Administrator or Acting Executive Director who shall during the period of his respective office have all the powers, functions and duties of an Administrator or Executive Director. The Governor may also appoint an Energy Counsel to advise and provide legal counsel to both the Governor and the State Energy Office.

4. The Administrator shall have the following duties and responsibilities:

- a. To carry out the purposes of the Act and applicable Federal Statutes and regulations.
- b. To advise the Governor on energy issues and policies.
- c. To coordinate with the State Energy Crisis Study Commission created by P. L. 1973, c. 184.
- d. To coordinate the State's energy policies with Federal, State and local governmental units.
- e. To develop and monitor a State energy conservation program.
- f. To encourage and assist positive fuel conservation action by government, business, industry and citizens of the State of New Jersey.

5. The State Energy Office is hereby designated as the single State Agency in New Jersey to implement and coordinate the Federal Mandatory Allocation Program for petroleum products and other programs and regulations of the Federal Energy Office. Executive Order No. 55, dated November 2, 1973, is hereby superseded and rescinded, but all actions taken by the State Emergency and Energy Agency created thereunder shall remain in full force and effect until modified, amended or rescinded by the State Energy Office. The Administrator shall be authorized to utilize the existing resources and personnel of the State Emergency and Energy Agency.

6. The Executive Director shall perform such duties and responsibilities as may be assigned to him from time to time by the Administrator.

7. The Departments of Environmental Protection, Labor and Industry, Transportation and Public Utilities Commission shall provide such resources and personnel to assist the State Energy Office as may be required. The State Energy Office shall also be authorized to call upon any other office, department, commission or other agency of the State of New Jersey for any information, assistance and resources which are necessary to discharge the functions and responsibilities under this Order, the Act and applicable Federal Statutes and regulations.

8. Funds for the State Energy Office will be furnished from

existing departmental resources, emergency funds or additional appropriations as determined by the Legislature.

9. This Order shall take effect immediately.

Given, under my hand and seal this 5th day of
[SEAL] February, 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/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 2

WHEREAS, On February 4, 1974, the Emergency Energy Fair Practices Act of 1974 was enacted into law; and

WHEREAS, On February 5, 1974, pursuant to authority vested in me under said Act, I proclaimed that an energy emergency existed in the State of New Jersey and created the State Energy Office; and

WHEREAS, On February 5, 1974, I designated the State Energy Office as the single state agency in New Jersey to implement and coordinate the Federal Mandatory Allocation Program for petroleum products and other programs and regulations of the Federal Energy Office; and

WHEREAS, Since that date, it has been demonstrated that coordination with the Federal Energy Office can be improved if the State Emergency Fuel and Energy Agency, which was created pursuant to Executive Order No. 55, dated November 2, 1973, were recreated in modified form;

NOW, THEREFORE, I, Brendan T. Byrne, 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 Section 5 of Executive Order 1 dated February 5,

1974 be rescinded and that the following amendment be inserted in its place:

1-5. The State Office of Petroleum Allocation is hereby created within the Department of Defense, Division of Civil Defense-Disaster Control and is to function under the direction and control of the Administrator of the State Energy Office. The State Office of Petroleum Allocation is authorized to administer the State set-aside program, to provide assistance to all concerned parties in obtaining adjustments specified at 10 CFR 211.13 of the rules promulgated by the Federal Energy Office, and to exercise all other authorities given to a state office of petroleum allocation under rules or other orders issued by the Federal Energy Office.

2. This Order shall take effect immediately.

Given, under my hand and seal, this 26th day of
[SEAL] February, 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/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LIAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 3

WHEREAS, The adequacy of water supply is of critical concern to this State and essential to the promotion of the public health, safety and welfare; and

WHEREAS, There is a continuing need for comprehensive and coordinated State action to assure that future water supply will be available to meet the needs of balanced State growth; and

WHEREAS, There is uncertainty concerning whether the existing and planned water supply facilities are sufficient to satisfy these demands; and

WHEREAS, The complexity and importance of these issues requires the creation of an Interdepartmental Committee on State Water

Supply Needs charged with the responsibility to evaluate the State's water supply system and make recommendations for its improvement;

Now, THEREFORE, I, Brendan T. Byrne, 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. (a) There is hereby created an Interdepartmental Committee on State Water Supply Needs (hereinafter sometimes referred to as the "Committee").

(b) The Committee shall consist of the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Labor and Industry, the President of the Board of Public Utility Commissioners, the State Treasurer, or their respective designees, and such other officers or persons as the Governor may by further order direct.

(c) The Chairman of the Committee shall be the State Treasurer.

(d) The Chairman and the members of the Committee shall serve without compensation, but shall be entitled to reimbursement, within the limits of funds available therefor, for all necessary expenses incurred in the performance of their duties.

(e) The Committee shall meet at the call of the Chairman or of the Governor.

2. The duties of the Committee shall be:

(a) To conduct a thorough and comprehensive study of existing and planned water supply facilities and distribution systems, including the water distribution system for the Round Valley and Spruce Run Reservoir Project;

(b) To evaluate and assess the adequacy of the State's water supply facilities, distribution systems and policies to meet the needs of balanced State growth;

(c) To make recommendations which would discourage wasteful water use practices;

(d) To make recommendations including alternatives for financing, construction, operation and maintenance of water supply facilities and distribution systems designed to assure a continued adequate water supply to meet the needs of the State to the year 2000.

3. (a) The Committee is hereby authorized to call upon any department, office, division, bureau or agency of the State to supply such assistance, statistical data, material and other information or personnel as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division, bureau or agency of the State is hereby authorized and directed, to the extent not inconsistent with law, to cooperate with the Committee and to furnish to it such assistance, material and information as the Committee may request of it as necessary in the discharge of its responsibilities under this Order.

4. The Committee shall provide a report to the Governor on or before June 15, 1974 which shall include its recommendations for a complete system of water supply distribution for the Round Valley and Spruce Run Reservoir Project.

5. The Committee shall render to the Governor such interim reports as it may deem appropriate or as the Governor may request and, upon the completion of its work, which shall be completed on or before March 22, 1975, the Committee shall render a full report of its findings and recommendations.

6. This Order shall take effect immediately.

Given, under my hand and seal this 22nd day of
[SEAL] March, in the year of our Lord, one thousand nine
hundred and seventy-four, and of the Independence of
the United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 4

I, Brendan T. Byrne, 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:

Friday, July 5, 1974 (the day following Independence Day) be declared an extra holiday for State employees.

[SEAL] Given, under my hand and seal this 10th day of May, in the year of our Lord, one thousand nine hundred and seventy-four, and of the Independence of the United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 5

WHEREAS, On December 28, 1973, the United States Congress enacted P. L. 93-203, entitled the Comprehensive Employment and Training Act of 1973 (the "Act"), which established a nationwide program to provide job training and employment opportunities to economically disadvantaged, unemployed, underemployed persons; and

WHEREAS, The Act requires the Governor to appoint a State Manpower Services Council in accordance with the terms of the Act in order to become a Prime Sponsor and obtain the benefits of the Act for his State; and

WHEREAS, The Act establishes other and further requirements upon any State wishing to obtain its benefits;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and Statutes of this State, and the provisions of the Act, do hereby ORDER and DIRECT that:

1. The State Manpower Services Council (the "Council"), is hereby created.
2. The Chairman of the Council shall be the Commissioner of Labor and Industry.
3. The members of the Council shall be appointed by the Governor in accordance with the requirements of the Act.

4. Pursuant to Title I, Section 107(a) (2) (B) of the Act, the Council shall be staffed and serviced by that group formerly known as the State Cooperative Area Manpower Planning System Secretariat and which shall be hereafter known as the State Manpower Services Council Staff (the "Staff").

5. The activities of the Staff shall be directed by the Chairman of the Council and shall conform to the requirements of the Act.

6. Pursuant to Title I, Section 106 of the Act, the State shall be divided into such sub-state planning districts as the Governor shall from time to time designate.

7. Pursuant to Title I, Section 104 of the Act, the State Prime Sponsor Planning Council (the "Planning Council") is hereby created. The Planning Council shall be responsible for directing manpower planning efforts of those counties for which the State acts as a Prime Sponsor.

8. The Chairman of the Planning Council shall be the Commissioner of Labor and Industry.

9. The members of the Planning Council shall be appointed by the Governor in accordance with the requirements of the Act.

10. The Staff shall also service the Planning Council, and act at the direction of its Chairman.

11. This Order shall take effect immediately.

Given, under my hand and seal this 16th day of May,
[SEAL] 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/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LIAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER NO. 6

WHEREAS, The travel regulations promulgated by the Governor on October 1, 1970, with amendments thereto, have been in effect with little or no change, and

WHEREAS, Circumstances have necessitated certain changes in the methods for handling the travel procedures of the State, and

WHEREAS, In the interest of proper and efficient operation, it is necessary that the regulations be rewritten and revised,

NOW, THEREFORE, I, Brendan T. Byrne, 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 travel regulations promulgated October 1, 1970 and amendments thereto are rescinded as to all transactions occurring on and after August 1, 1974.

2. The regulations promulgated by the Department of the Treasury as of August 1, 1974 shall be the official State travel regulations and all requests for expenditures thereunder shall be made in accordance therewith. Said regulations shall be effective August 1, 1974 and the Director of the Division of Budget and Accounting in the Department of the Treasury is charged with the enforcement thereof.

3. This Order shall take effect immediately.

Given, under my hand and seal this 10th day of July,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy-four, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

EXECUTIVE ORDERS

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 7

WHEREAS, On April 29, 1971, Chapter 119, Laws of 1971 was enacted into law; and

WHEREAS, On October 31, 1972, Chapter 166, Laws of 1972 was enacted into law; and

WHEREAS, These laws authorize the Governor to proclaim the date of termination of the Vietnam Conflict;

NOW, THEREFORE, I, Brendan Byrne, 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. That August 1, 1974 shall be the terminal date of the Vietnam Conflict for all matters where the authority for proclamation of the date of such termination is vested in the Governor of this State.

2. This order shall take effect immediately.

[SEAL] Given, under my hand and seal this 1st day of August, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 8

WHEREAS, Several cities of this State have recently experienced citizen unrest; and

WHEREAS, The underlying causes of this unrest include the persistence of economic and social conditions which have a serious

impact on people living in the cities without adequate housing, jobs, educational opportunity, or health care; and

WHEREAS, Mayors and local government officials in the State are working to alleviate the variety of problems which affect their citizens, and there is a need for comprehensive and coordinated action on the part of the State to aid local government and improve the effectiveness of State urban programs;

NOW, THEREFORE, I, Brendan T. Byrne, 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. (a) There is hereby established the Cabinet Committee on Urban Affairs (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the following: The Commissioner of the Department of the Public Advocate, who shall be Chairman; the Attorney General or a representative of the State Police designated by him; the Commissioner of the Department of Community Affairs; the Commissioner of the Department of Health; the Commissioner of the Department of Labor and Industry; the Commissioner of the Department of Education; the Chancellor of the Department of Higher Education; the State Treasurer; the Special Counsel to the Governor and such other persons as the Governor may from time to time direct.

2. The Committee shall advise and assist the Governor with respect to urban programs and shall perform such other duties as the Governor may from time to time prescribe. In addition to such duties, the Committee is directed to:

(a) Evaluate and appraise the effectiveness of State programs in urban areas;

(b) Assist the Governor in establishing priorities for State aid and assistance to urban areas, with special concern for the maintenance of local initiative and local decision making;

(c) Coordinate any required State response to situations involving urban unrest.

3. (a) A person designated by the Chairman shall serve as Secretary to the Committee. The Secretary shall perform such duties as the Chairman may from time to time direct with the assistance of such staff, clerical and professional, as may be required within the limits of available appropriations.

(b) Each State Department and agency shall furnish the Committee with such information and other assistance as it may require.

4. Nothing in this Order shall be construed as subjecting any Department, agency, or other instrumentality of the Executive Branch of the State or the head thereof, of any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head, or as abrogating, modifying or restricting any such function in any manner.

5. The Committee shall meet on the call of the Governor or the Chairman.

6. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 19th day of September, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 9

WHEREAS, The Emergency Energy Fair Practices Act of 1974 (hereafter "The Act") was enacted in response to an urgent need for information with respect to the energy shortage of vital and essential products within the State of New Jersey and to provide a fair and equitable distribution of energy sources and fuels within the State; and

WHEREAS, The Act authorizes the Governor to proclaim by Executive Order the existence of an energy emergency and to establish a State Energy Office; and

WHEREAS, Pursuant to Executive Order No. 1, dated February 5, 1974, and Executive Order No. 2, dated February 26, 1974, I proclaimed the existence of an energy emergency in New Jersey, established a State Energy Office, and charged it with the responsibility of preparing a report regarding the energy related problems of this State; and

WHEREAS, The State Energy Office has forwarded me such a report and included within its recommendations the need for centralized authority and planning by the State in this area; and

WHEREAS, I have reviewed this report and determined that such centralized authority and planning can be best accomplished by an office reporting to the Public Utilities Commission;

NOW, THEREFORE, I, BRENDAN BYRNE, 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 Energy Office, created pursuant to Executive Order No. 1, dated February 5, 1974, and Executive Order No. 2, dated February 26, 1974, shall report to the Commissioners of the Public Utilities Commission;

2. The Public Utilities Commission, through the State Energy Office, shall be entitled to call to its assistance and avail itself of the services of any federal, State, county or municipal department, board, bureau, commission or agency as may be made available to it for purposes of assuring the fair and equitable distribution of available energy supplies.

3. A Cabinet Energy Committee (hereafter "the Committee") consisting of the Governor, the Administrator of the State Energy Office, and the heads of the Public Utilities Commission and the Departments of Community Affairs, Environmental Protection, and Labor and Industry is hereby created. The Governor shall serve as Chairman of the Committee and the Administrator of the State Energy Office shall serve as the Executive Director of the Committee.

4. The Committee shall be charged with the responsibility of considering and reviewing all energy-related decisions that are to be rendered by any member of the Executive Branch of State Government. Furthermore, the Committee shall be responsible for coordinating communication between the State Government and Federal and local governments.

5. In order to meet its responsibilities, the Committee shall be authorized to call upon any department, office, commission or other agency of the State for any necessary information, assistance and resources.

6. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 2nd day of October, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 10

I, Brendan Byrne, 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:

Friday, November 29, 1974 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

[SEAL] Given, under my hand and seal this 12th day of November, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 11

WHEREAS, Chapter 73, P. L. 1963, finds and declares it to be the public policy of this State that public records shall be readily accessible for examination by the citizens of this State for the protection of the public interest except as otherwise provided by said law; and

WHEREAS, Said Chapter 73 provides that all records which are required by law to be made, maintained or kept on file by State and local governmental agencies are to be deemed to be public records, subject to inspection and examination and available for copying, pursuant to said law; and

WHEREAS, Said Chapter 73 provides that records which would otherwise be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of said law, may be excluded therefrom by Executive Order of the Governor or by any regulation promulgated under the authority of any Executive Order of the Governor; and

WHEREAS, Section 3(b) of Executive Order No. 9 issued by Governor Richard J. Hughes in 1963, states that "personnel and pension records which are required to be made, maintained or kept by any State or local governmental agency . . . shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73, P. L. 1963;" and

WHEREAS, Disclosure of the name, title and position of persons receiving pensions and of the type and amount of pension being received, is an insignificant invasion of privacy outweighed by the public's right to know who it is employing, what jobs they are filling and the identities of those receiving government pensions;

NOW, THEREFORE, I, Brendan Byrne, 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. Section 3(b) of Executive Order No. 9 of Governor Richard J. Hughes is rescinded and any regulations adopted and promulgated thereunder shall be null and void.

2. Except as otherwise provided by law or when essential to the performance of official duties or when authorized by a person in interest, an instrumentality of government shall not disclose to anyone other than a person duly authorized by this State or the United States to inspect such information in connection with his official duties, personnel or pension records of an individual, except that the following shall be public:

a. An individual's name, title, position, salary, payroll record, length of service in the instrumentality of government and in the government, date of separation from government service and the reason therefor; and the amount and type of pension he is receiving;

b. Data contained in information which disclose conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released.

3. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 15th day of November, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LIAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 12

WHEREAS, The storm which occurred on December 1 to 3, 1974 was accompanied by extremely high winds and tides and caused substantial beach erosion, damage to ocean and bay front shore protection structures and destruction of dunes in Monmouth,

Ocean, Atlantic and Cape May Counties and resulted in severe flooding and property damage, both public and private; and

WHEREAS, The damage to the shore protection structures and destruction of dunes has created a continuing threat to property, both public and private, public health, safety and welfare; and

WHEREAS, This condition is of such severity and magnitude that effective response requires the full cooperation of all levels of government and of private agencies and citizens;

NOW, THEREFORE, I, Brendan T. Byrne, Governor of the State of New Jersey, by the 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. I declare that an emergency exists in Monmouth, Ocean, Atlantic and Cape May Counties as a result of the storm of December 1 to 3, 1974 and the damage to ocean and bay front shore protection structures and destruction of dunes.

2. The State Department of Environmental Protection and the Division of Civil Defense-Disaster Control, and other appropriate State agencies, shall cooperate to assure maximum assistance from the federal government to aid the affected area.

Given, under my hand and seal this 5th day of
[SEAL] December, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 13

WHEREAS, The Emergency Energy Fair Practices Act of 1974, P. L. 1974, c. 2 & 6, was enacted in response to an urgent need for information with respect to the shortage of vital and essential energy and fuel supplies within the State of New Jersey and to

provide a fair and equitable distribution of energy sources and fuels within the State; and

WHEREAS, The Act authorizes the Governor to proclaim by Executive Order the existence of an energy emergency, establish a State Energy Office, set forth such rules and regulations as are necessary and proper to ensure the fair and equitable distribution of energy supplies and provide for the coordination and cooperation of all offices, agencies and personnel to assist in this emergency; and

WHEREAS, Pursuant to Executive Order No. 1, dated February 5, 1974, I proclaimed the existence of an energy emergency in New Jersey and created the State Energy Office; and

WHEREAS, I charged the Administrator of the State Energy Office with the responsibility of developing and monitoring a State energy conservation program;

NOW, THEREFORE, I, Brendan T. Byrne, 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 following energy conservation measures shall be instituted in all State-owned and State-leased buildings except as noted below:

(a) Thermostat control devices shall be set to maintain temperatures of 65°-68° F. during the working hours in the heating season;

(b) Thermostat control devices shall be set to maintain temperatures of not more than 55° F. during non-working hours in the heating season;

(c) Portable space heaters and threshold heaters used as supplementary heating sources are strictly prohibited;

(d) Window draperies and blinds shall be used to cut down heat losses by setting them to the closed position during nighttime hours and on cold, cloudy days, and setting them to the open position during periods of sunshine;

(e) Thermostat control devices for hot water shall be set to maintain a maximum temperature of no more than 110° F.;

(f) Steps shall be taken to eliminate heating in all unused and seldom used areas as stairwells;

(g) During working hours, overhead lighting shall be reduced to 50-foot candles at work station, 30-foot candles in work areas, and 10-foot candles (but at least one light) in non-working areas;

(h) Illumination levels at the center of corridor walking surfaces, and equidistant between two lighting fixtures, shall be maintained at 1-foot candle. Lights provided in tandem to guard against darkened stairways upon failure of a light, and emergency lights are exempted from this provision;

(i) Off-hour and exterior lighting except for essential safety and security purposes shall be eliminated;

(j) Lights in work areas shall be turned off when these areas are not in use such as during lunch hours;

(k) Portable electric fans are strictly prohibited;

(l) During the heating season, portable air conditioners shall not be used, and shall be unplugged and covered;

(m) Outside air intake shall be reduced to the greatest possible extent. Under most conditions, a 10 per cent outside air intake will be adequate for general office space.

2. The above listed regulations shall not apply to State owned or operated hospitals and medical buildings or to any other State owned or operated buildings, the energy conservation coordinator of which (as herein defined) demonstrates to the satisfaction of the Administrator of the State Energy Office the need for exemption from one or more of the above listed regulations.

3. The Administrator of the State Energy Office, when he deems it necessary, shall promulgate and adopt additional regulations for energy conservation within all State-owned and State-leased buildings.

4. Each department, agency and office of State Government shall appoint a representative as its energy conservation coordinator. Said energy conservation coordinators shall have the following responsibilities:

(a) Enforcement of the regulations adopted by the Governor and Administrator;

(b) Answering complaints and receiving suggestions; and

(c) Maintaining liaison with the State Energy Office.

5. In order to accurately assess the effectiveness of this energy conservation program, every energy conservation coordinator shall supply the State Energy Office with the following information:

(a) Historical electric and heating fuel use, on a monthly basis, from January 1972 to present;

(b) Continuing reports of electric and heating fuel use on a monthly basis; and

(c) Such other information as the Administrator of the State Energy Office may, from time to time, require.

6. This Executive Order shall take effect immediately.

Given, under my hand and seal this 12th day of
[SEAL] December, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER NO. 14

WHEREAS, Equal employment opportunity regardless of race, color, religion, sex or national origin has been the law of this nation and of this State since passage of the federal Equal Employment Opportunity Act of 1972, and the New Jersey Law Against Discrimination; and

WHEREAS, Equal pay for equal work in governmental service has been guaranteed by the Fair Labor Standards Act amendments enacted in April of 1974; and

WHEREAS, Executive Order No. 21 issued June 24, 1965 by Governor Richard J. Hughes established this State's goal of eliminating discrimination in State employment, facilities and services; and

WHEREAS, The Executive Branch of State Government should employ both minorities and women at least in proportion to their population in the relevant surrounding Labor Market Area as defined by the Department of Labor and Industry, and should employ both minorities and women at all levels of responsibility;

NOW, THEREFORE, I, Brendan Byrne, 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 proclaim that:

1. All departments and instrumentalities of the Executive Branch of State Government shall update and revise affirmative action plans previously submitted to the Department of Civil Service so as to rectify defects in them delineated by the Department of Civil Service, and so as to conform them to the goals established by Section 2 of this Executive Order. The Department of Civil Service shall make public the plans originally submitted, any defects delineated and the plans finally accepted.

2. The affirmative action goals for each department and instrumentality of the Executive Branch of State Government are that by December 31, 1975 each shall employ both minorities and women at least in proportion to their population in the relevant surrounding Labor Market Area, and at all levels of responsibility.

3. All departments and instrumentalities of the Executive Branch of State Government shall submit bi-monthly reports to the Department of Civil Service detailing progress in achieving the goals of their affirmative action plans. The Department of Civil Service shall make public the statistics contained in the bi-monthly reports.

4. The Department of Civil Service will, by increased recruitment efforts, ensure that the pool of applicants for all vacant provisional, temporary and permanent classified positions in all departments and instrumentalities of the Executive Branch of State Government includes both minorities and women.

5. The Department of Civil Service will also ensure that the pool of applicants for all vacant unclassified positions in all departments and instrumentalities of the Executive Branch of State Government includes both minorities and women.

6. All job titles and descriptions will be analyzed to determine whether or not the stated prerequisites are bona fide occupational qualifications. Any prerequisites which tend to exclude minorities or women, including test questions and height and weight criteria, will be eliminated if they are not bona fide occupational qualifications.

7. All minorities and women who inquire with or apply to any department or instrumentality of the Executive Branch of State Government for employment will be requested to file an application and to apply to take any test required for employment in the classified service regardless of whether vacancies exist at the time

of the application. These applications will be reviewed promptly, and if acceptable, held pending a vacancy if there is no outstanding active list of eligibles.

8. One person in each department or instrumentality of the Executive Branch of State Government will be assigned the responsibility for implementing this Executive Order.

9. There is hereby established an Affirmative Action Officer reporting directly to the Governor to review affirmative action plans submitted by the departments and instrumentalities of the Executive Branch of State Government; to review the recruitment efforts of the Department of Civil Service; to ensure that the goals for employment of both minorities and women in the Executive Branch of State Government at least in proportion to their population in the relevant surrounding Labor Market Area, and at all levels of responsibility are being pursued actively; and to ensure that departments and instrumentalities of the Executive Branch which attain the standards established by Section 2 of this Executive Order continue to pursue actively the goals of affirmative action in the employment of minorities and women.

10. This Executive Order shall take effect immediately.

Given, under my hand and seal this 23rd day of
[SEAL] December, 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-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LIAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 15

WHEREAS, In our representative form of government, it is essential that the conduct of public officials shall hold the respect and confidence of the people; and

WHEREAS, Those in government hold positions of public trust that require adherence to the highest standards of honesty, integrity and impartiality; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of his duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from acting in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, It is the duty of government officials to earn the trust and confidence of the people by avoiding even the appearance of impropriety; and

WHEREAS, The disclosure of personal interests of public officials will serve to restore the public's faith and confidence in its government representatives and will guard against conduct violative of the public trust;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, do hereby ORDER and DIRECT that:

1. Every public officer as defined in section 7 hereof shall file a sworn and duly notarized statement listing as of 5 days prior to the date of filing all the financial assets and liabilities, property and business interests and sources of income of such officer and those of his or her spouse. Each statement shall include the following information:

- a. The name and position of the public officer;
- b. Any occupation, trade, business or profession engaged in by the public officer or spouse that is subject to licensing or regulation by a State agency;
- c. A list of all assets, both tangible and intangible, in which a direct or indirect interest is held by the public officer or by his or her spouse, valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset. Where stocks and bonds are involved, there should be included the number of shares or bonds, the type and approximate value of such stocks,

and bonds and the name of the company or government agency issuing them; except that whenever such interest exists through ownership in a mutual fund or holding company, the stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public officer has knowledge of what stocks and bonds are so held. Where more than 10% of the stock of a corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, size, general nature and acquisition date of any real property in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant on such property or that has before it an application, complaint or proceeding directly affecting such property;

d. A list of all liabilities of the public officer and of his or her spouse. This list shall include the name of the creditor, except when the liability is less than \$5,000 and owed to a natural person;

e. A list of all sources of income of the public officer and of his or her spouse for the twelve months immediately preceding the statement date, including all compensated employment of whatever nature, all directorships and other fiduciary positions for which compensation has or will be claimed, all contractual arrangements producing or expected to produce income, and all honorariums, lecture fees and other miscellaneous sources of income; except that the amounts of such income received or to be received need not be supplied unless specifically requested by the Governor, the Attorney General or the Executive Commission on Ethical Standards. Not required to be reported as a source of income are:

(1) Cash gifts in an aggregated amount of less than \$50 received during the preceding twelve months from a person;

(2) Non-cash gifts with an aggregated fair market value of under \$100 received during the preceding twelve months from a person; and

(3) Gifts with an aggregate cash or fair market value of under \$1,000 received during the preceding twelve months from a son, daughter, grandson, granddaughter, father, mother, grandfather,

grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt. Relatives by adoption, half-blood, marriage or re-marriage shall be treated as relatives of the whole kinship.

f. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public officer or by his or her spouse with any firm, corporation, association, partnership or business that either does business with or is licensed, regulated or inspected by a State agency.

2. Each statement shall contain a certification by the public officer that he has read the statement, that to the best of his knowledge and belief it is true, correct and complete and that he has not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

3. a. Within forty-five days from the effective date of this Order, each public officer who has not already done so shall file the signed and notarized statement required herein with the Office of the Governor, the Executive Commission on Ethical Standards (2-copies), and with the Attorney General. In furtherance of its duties under the 1971 Conflicts of Interest Law, N. J. S. A. 52:13D-12 *et seq.*, and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of law. Upon approving such statement, the Commission shall file a copy of it with the Secretary of State for public inspection and copying in accordance with the procedures set forth in N. J. S. A. 47:1A-1 *et seq.*;

b. Each prospective public officer before assuming office shall satisfy the filing requirements of this Order, unless the Attorney General grants an extension of not more than 30 days after assuming such office;

c. Updated statements shall be filed one year after the submission of the original statement and every year thereafter so long as such person is a public officer of this State as defined in section 7 of this Order.

4. The Secretary of State shall keep the approved statements on file for so long as the person submitting such statement is a public officer of this State as defined in section 7 of this Order, and for at least 5 years thereafter.

5. The Executive Commission on Ethical Standards shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform the acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms to be utilized by public officers in complying with this Order.

6. A public officer's willful failure to comply with this Order shall constitute cause for his or her removal from office by those having the power of removal.

7. For the purposes of this Order:

a. "Public officer" shall mean any person holding any of the following offices in the Executive Branch of State Government, together with any offices added to such list by subsequent gubernatorial executive order:

- (1) The head of a principal department;
- (2) The assistant or deputy heads of a principal department to include all assistant and deputy commissioners of such department;
- (3) The head and assistant head of a division of a principal department;

b. "Government instrumentality" shall mean the Legislative, Judicial and Executive Branches of State Government, including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

c. "State Agency" shall mean any of the principal departments in the Executive Branch of State Government, any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

8. This Order shall take effect immediately.

Given, under my hand and seal this 7th day of
[SEAL] January, in the year of Our Lord, one thousand, nine
hundred and seventy-five, and of the Independence of
the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

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Examination and license fees, changes, procedure, certain professional boards and commissions, C. 45:1-3.1 and C. 45:1-3.2, Ch. 46.
Nursing, redefines various terms, amends C. 45:11-23, Ch. 109.

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Executive branch, salary increases, C. 52:14-15.107 et al., Ch. 55.
Health benefit premiums, certain retired employees and dependents, amends C. 52:14-17.38, Ch. 88.
Leaves of absence, convention, New Jersey State Association of Chiefs of Police, amends C. 11:26C-4, Ch. 40.
New Jersey Diagnostic Center, cottage officers, appointment, certain cases, Ch. 176.
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PERS credit, permits purchase of credit for previous service, in certain cases, amends P. L. 1954, c. 84 (C. 43:15A-54), Ch. 104.
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Autobus, redefines, amends R. S. 48:4-1, Ch. 163.
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RAILROADS

Employers, provides for weekly pay periods, amends R. S. 34:11-2, Ch. 172.

New York and Long Branch, improvement and electrification, Ch. 28.

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Blessed Mother Seton Bicentennial Year, 1974, J.R. 4.

Catholic Schools Week, February 17 to 23, 1974, J.R. 1.

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Boards of Education, organization meeting, prescribes date, Type II districts, amends N. J. S. 18A:10-3 et al., Ch. 105.

Catholic Week, February 17 to 23, 1974, J.R. 1.

Days, open January 2, 3, 4, 1974, Ch. 11.

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Textbooks, purchase and loans, public and non-public schools, C. 18A:58-37.1 et seq., Ch. 79.

Thorough and efficient, study, Chs. 14, 23.

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Treasurer, Deputy Director of Division of Investment, appointment, C. 52:18A-84.1, Ch. 36.

Treasurer, duties, delegation to certain designees, amends C. 52:18A-30, Ch. 34.

Vacation leave, State employees, amends R. S. 11:14-1, Ch. 39.

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- "Added Assessment List," P. L. 1941, c. 397 (C. 54:4-63.2) amended to include an assessment for a portion of a year, Ch. 103.
- Appeals, certain presumptions, amends P. L. 1973, c. 123, s. 7 (C. 54:1-35a et seq.), to postpone effect to tax year 1976, Ch. 96.
- Apportioning for library and school purposes, excludes certain real property, C. 54:4-49.1, Ch. 168.
- Emergency Transportation Tax Act, suspends 2½% surcharge, amends C. 54:8A-6.3, Ch. 187.
- Exempts certain conservation and recreational open spaces, C. 54:4-3.63 et seq., Ch. 167.
- Local Tax Authorization Act of 1970, extends application, amends C. 40:48C-5 et al., Ch. 188.
- Sales and Use Tax Act, exempts sales of "food on wheels," amends C. 54:32B-3, Ch. 170.
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- Mass transportation system study commission, created, Ch. 174.
- New York and Long Branch Railroad, improvements and electrification, Ch. 28.

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- Auxiliary fund, permissible uses, amends R. S. 43:21-14, Ch. 194.
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